

Walter Haessig

April 25, 2023

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF ILLINOIS
 EASTERN DIVISION

3 AMY WEXLER and KENNETH A.)
WEXLER,)
4)
 Plaintiffs,)
5) CIVIL ACTION
V.)
6) NO.: 21 CV 2543
CHUBB NATIONAL INSURANCE)
7 COMPANY and BELFOR USA GROUP)
INC.,)
8)
 Defendants,)
9)
And)
10)
CHUBB NATIONAL INSURANCE)
11 COMPANY,)
)
12 Counterclaim Plaintiff,)
)
13 V.)
)
14 AMY WEXLER and KENNETH A.)
WEXLER,)
15)
Counterclaim Defendants.)
16

17 ORAL AND VIDEOTAPED 30(b)(6) DEPOSITION OF

18 WALTER HAESSIG

19 APRIL 25, 2023

20 VOLUME 1
21 -----

22 ORAL AND VIDEOTAPED 30(B)(6) DEPOSITION OF WALTER HAESSIG,
23 produced as a witness at the instance of the PLAINTIFF, and
24 duly sworn, was taken in the above-styled and numbered cause on
25 Tuesday, April 25, 2023, from 9:31 a.m. to 2:39 p.m., via Zoom,

Walter Haessig

April 25, 2023
Pages 2 to 5

<p style="text-align: right;">Page 2</p> <p>1 before Wendy Schreiber, CSR No. 9383, in and for the State of</p> <p>2 Texas, reported by machine shorthand, from Rockwall, Texas,</p> <p>3 pursuant to the Federal Rules of Civil Procedure and the</p> <p>4 provisions stated on the record or attached hereto.</p> <p>5</p> <p>6 Job No. 966787</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 INDEX</p> <p>2 WALTER HAESSIG PAGE</p> <p>3 Examination by Mr. Lamden 7</p> <p>4 Examination by Mr. Offenbach 152</p> <p>5 Reporter's Certificate 156</p> <p>6</p> <p>7 EXHIBITS</p> <p>8 NO. DESCRIPTION PAGE</p> <p>9 Exhibit 1 Notice of Deposition 15</p> <p>10 Exhibit 4 Chubb National Insurance Company's 69</p> <p>11 First Supplemental Responses to</p> <p>12 Plaintiff's First Set of Request</p> <p>13 to Produce Documents</p> <p>14 Exhibit 6 E-Mail dated 4/22/19 to Paradis from 139</p> <p>15 Haessig</p> <p>16 Exhibit 7 General Adjuster (GA) Best Practices 84</p> <p>17 Guidelines</p> <p>18</p> <p>19 REQUESTED DOCUMENTS/INFORMATION</p> <p>20 NONE</p> <p>21 //</p> <p>22 //</p> <p>23 //</p> <p>24 //</p> <p>25 //</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFFS:</p> <p>3 SETH D. LAMDEN, ESQ. (Attending Remotely)</p> <p>4 BLANK ROME LLP</p> <p>5 444 W. Lake Street, Suite 1650</p> <p>6 Chicago, Illinois 60606</p> <p>7 Phone: (312) 776-2600</p> <p>8 slamden@blankrome.com</p> <p>9</p> <p>10 ATTORNEYS FOR DEFENDANT CHUBB NATIONAL INSURANCE COMPANY:</p> <p>11 DANIEL J. OFFENBACH, ESQ. (Attending Remotely)</p> <p>12 LEAHY EISENBERG & FRAENKEL, LTD.</p> <p>13 33 W. Monroe Street, Suite 1100</p> <p>14 Chicago, Illinois 60603</p> <p>15 Phone: (312) 368-4554</p> <p>16 Fax: (312) 368-4562</p> <p>17 Djo@lefttd.com</p> <p>18</p> <p>19 ATTORNEY FOR DEFENDANT BELFOR USA GROUP, INC.:</p> <p>20</p> <p>21 MICHAEL S. ERRERA, ESQ. (Attending Remotely)</p> <p>22 FORAN GLENNON PALANDECH PONZI & RUDLOFF, P.C.</p> <p>23 222 N. LaSalle Street, Suite 1400</p> <p>24 Chicago, Illinois 60601</p> <p>25 Phone: (312) 863-5000</p> <p>Fax: (312) 863-5099</p> <p>Merrera@fgppr.com</p> <p>Video Operator - James Taylor (Attending Remotely)</p>	<p style="text-align: right;">Page 5</p> <p>1 CERTIFIED QUESTIONS</p> <p>2 NO. PAGE/LINE</p> <p>3 1. Mr. Haessig, have you been involved -- 12/15</p> <p>4 were you sued in Wind River Management</p> <p>5 Corporation?</p> <p>6 2. Would that be the same if I asked you 12/23</p> <p>7 whether you were sued in your individual</p> <p>8 capacity in Pemberton versus Chubb Lloyd's</p> <p>9 Insurance Company?</p> <p>10 3. What about if I asked you if you were sued 13/2</p> <p>11 personally in Brache, B-R-A-C-H-E, vs. Chubb</p> <p>12 Lloyd's Insurance Company?</p> <p>13</p> <p>14 4. What made you confused as to whether you 24/16</p> <p>15 were going to testify about topic No. 14?</p> <p>16 5. What do you mean by administering the policy? 37/19</p> <p>17 6. Do you know whether Chubb is subject to 65/14</p> <p>18 any regulations in Illinois that dictate</p> <p>19 what types of documents must be kept in</p> <p>20 an insured's claim file?</p> <p>21</p> <p>22 7. Do you know whether there was any subrogation 94/12</p> <p>23 activity in the Wexlers' claim?</p> <p>24 8. If the Wexlers provided Chubb with a damage 127/19</p> <p>25 estimate that was higher than Chubb's damage</p> <p>estimate, should Chubb's adjuster have had a</p> <p>conversation with his or her supervisor to</p> <p>determine whether reinspection was necessary?</p>

Walter Haessig

April 25, 2023
Pages 6 to 9

<p style="text-align: right;">Page 6</p> <p>1 VIDEO OPERATOR: We are now on the record.</p> <p>2 This begins media No. 1 in the deposition of Walter Haessig in</p> <p>3 the matter of Amy Wexler, et al., versus Chubb National</p> <p>4 Insurance Company, et al., in the United States District Court,</p> <p>5 Northern District of Illinois, Eastern Division,</p> <p>6 No. 21 CV 2543.</p> <p>7 Today is April 25th, 2023, and the time is 9:31</p> <p>8 a.m. Central. This deposition is being taken remotely at the</p> <p>9 request of plaintiff. The videographer is James Taylor and the</p> <p>10 court reporter is Wendy Schreiber of Magna Legal Services.</p> <p>11 Will Counsel please state their appearances and</p> <p>12 whom they represent.</p> <p>13 MR. LAMDEN: Good morning. This is Seth Lamden</p> <p>14 with Blank Rome, LLP on behalf of the plaintiffs, Amy and</p> <p>15 Kenneth Wexler. I'd just like to note for the record that this</p> <p>16 is being taken remotely at the request of the defendant Chubb,</p> <p>17 not at the request of plaintiff.</p> <p>18 VIDEO OPERATOR: Thank you.</p> <p>19 MR. ERRERA: Michael Errera on behalf of</p> <p>20 defendant Chubb National Insurance Company.</p> <p>21 MR. OFFENBACH: Dan Offenbach on behalf of</p> <p>22 BELFOR U.S.A., Group, Inc.</p> <p>23 VIDEO OPERATOR: Will the court reporter please</p> <p>24 swear in the witness.</p> <p>25 THE REPORTER: My name is Wendy Schreiber, Texas</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Are you currently employed?</p> <p>2 A. Yes, sir.</p> <p>3 Q. Who is your employer?</p> <p>4 A. Ace -- Ace American also referred to as Chubb.</p> <p>5 Q. So your paychecks come from Ace American?</p> <p>6 A. Yeah. Seth, I don't look at a paycheck every day or</p> <p>7 every week for that matter but, yeah, Ace.</p> <p>8 Q. Okay, I'm just trying to figure out. There's a lot</p> <p>9 of companies here. We've got I understand the brand name</p> <p>10 Chubb; is that right?</p> <p>11 A. Yeah, that's correct.</p> <p>12 Q. And then Federal Insurance Company is the company</p> <p>13 that wrote the policy in this -- in this matter?</p> <p>14 A. Was it -- is it Federal or is it Chubb National?</p> <p>15 Q. It may be Chubb National. I guess that's the party</p> <p>16 here. So if I were to use "Chubb" to refer to the issuing</p> <p>17 party, the insurer in this case and your employer collectively,</p> <p>18 would that be all right?</p> <p>19 A. I would be agreeable to that, yes, sir.</p> <p>20 Q. Okay. If that causes confusion or if your answer</p> <p>21 changes, just let me know. I'm not trying to trip you up. I'm</p> <p>22 just trying to avoid using a whole bunch of different names</p> <p>23 here and creating conflict there.</p> <p>24 Are you associated with a physical office of</p> <p>25 Chubb?</p>
<p style="text-align: right;">Page 7</p> <p>1 CSR 9383, and I am reporting the deposition remotely from</p> <p>2 Burleson, Texas and the witness is located in Rockwall, Texas.</p> <p>3 Sir, could I get you to raise your right hand,</p> <p>4 please?</p> <p>5 In the deposition about to begin, do you swear</p> <p>6 to tell the truth, the whole truth, nothing but the truth so</p> <p>7 help you God?</p> <p>8 THE WITNESS: Yes.</p> <p>9</p> <p>10 WALTER HAESSIG,</p> <p>11 having been first duly sworn, testified as follows:</p> <p>12</p> <p>13 THE REPORTER: Thank you.</p> <p>14 You may begin.</p> <p>15 EXAMINATION</p> <p>16 Q. (BY MR. LAMDEN) Good morning, Mr. Haessig. As I</p> <p>17 mentioned, I'm Seth Lamden and I represent the plaintiffs in</p> <p>18 this matter.</p> <p>19 Could you please state your full name and spell</p> <p>20 your name for the transcript?</p> <p>21 A. Hey, good morning, Seth. Yeah, Walter Haessig.</p> <p>22 Haessig spelled H-A-E-S-S-I-G.</p> <p>23 Q. And what is the city and state of your current</p> <p>24 residence?</p> <p>25 A. Rockwall, Texas.</p>	<p style="text-align: right;">Page 9</p> <p>1 A. No, I'm -- I work from home exclusively.</p> <p>2 Q. Okay. And what's your current title?</p> <p>3 A. AVP Claim Manager.</p> <p>4 Q. AVP Claim Manager. And how long have you had that</p> <p>5 title?</p> <p>6 A. Approximately four years.</p> <p>7 Q. Do you have any other employers?</p> <p>8 A. No, sir.</p> <p>9 Q. Are you employed by a company or affiliated with a</p> <p>10 company called Complex Loss Consultants, LLC?</p> <p>11 A. Yes, I started an LLC that hasn't gone anywhere.</p> <p>12 Q. Okay. And what's that -- does that company have a</p> <p>13 mission or can you tell me a little bit about that company?</p> <p>14 A. Yeah, sure. Other than spending the \$300 with the</p> <p>15 State of Texas to create an LLC there is nothing else with the</p> <p>16 company. The thought process behind it, Seth, was in the event</p> <p>17 that I ever started a consulting firm I like the name but --</p> <p>18 but other than that, there's -- there's not been any activity</p> <p>19 or business done under that LLC.</p> <p>20 Q. Okay. Fair enough. So there's no connection between</p> <p>21 Chubb and Complex Loss Consultants?</p> <p>22 A. That is correct, yes.</p> <p>23 Q. Okay. That's all I was getting at.</p> <p>24 So can you tell me if you've been deposed in the</p> <p>25 past?</p>

Walter Haessig

April 25, 2023
Pages 10 to 13

<p style="text-align: right;">Page 10</p> <p>1 A. Yes, sir.</p> <p>2 Q. How many times?</p> <p>3 A. Approximately eight, nine times, something close to</p> <p>4 that. Maybe ten but that seems like it would be high.</p> <p>5 Q. Do you remember the last time you testified -- or</p> <p>6 that you were deposed?</p> <p>7 A. Sure. About six weeks ago, maybe eight weeks ago.</p> <p>8 Q. What kind of case was that?</p> <p>9 A. Personal lines first-party property claim.</p> <p>10 Q. Can you tell me about what the insured was alleging</p> <p>11 in that case?</p> <p>12 A. To -- to some extent, sure. Mike, if you have any</p> <p>13 objections of course.</p> <p>14 But it's a California wildfire claim, a dispute</p> <p>15 over the extent of damages.</p> <p>16 Q. Does that involve a Chubb Masterpiece insurance</p> <p>17 policy?</p> <p>18 A. I believe it does, yes.</p> <p>19 Q. Do you know -- can you recall if any of the other</p> <p>20 times you've been deposed it involved a Chubb Masterpiece</p> <p>21 policy?</p> <p>22 A. Seth, as I sit here today I can't remember the</p> <p>23 details. There -- some of them may have been, yes.</p> <p>24 Q. Did they ever involve properties that were located in</p> <p>25 Illinois?</p>	<p style="text-align: right;">Page 12</p> <p>1 Management but let me -- let me -- let me explain a little bit</p> <p>2 more.</p> <p>3 MR. ERRERA: Well, hold on. Let me I guess</p> <p>4 object. I certainly don't have a problem, Seth, you know, if</p> <p>5 you want background on prior depositions and things like that so he</p> <p>6 can understand the process but to me this is kind of getting</p> <p>7 more into a fact deposition rather than a 30(b)(6) deposition,</p> <p>8 you know, unless this ties to one of the topics.</p> <p>9 MR. LAMDEN: Michael, I'm not going to argue</p> <p>10 scope on the record but I'm not going to entertain any scope</p> <p>11 objections today. They're improper in the Northern District.</p> <p>12 I'm going to repeat the question --</p> <p>13 MR. ERRERA: Well, then I'm going to have to</p> <p>14 instruct him --</p> <p>15 Q. (BY MR. LAMDEN) Mr. Haessig, have you been involved</p> <p>16 -- were you sued in Wind River Management Corporation?</p> <p>17 MR. ERRERA: I will have to -- I'm going to have</p> <p>18 to instruct him not to answer. It's beyond the scope of the</p> <p>19 topics that he's been designated upon.</p> <p>20 Q. (BY MR. LAMDEN) Mr. Haessig, are you going to follow</p> <p>21 your counsel's instructions?</p> <p>22 A. I will follow counsel's instructions.</p> <p>23 Q. Would that be the same if I asked you whether you</p> <p>24 were sued in your individual capacity in Pemberton versus Chubb</p> <p>25 Lloyd's Insurance Company?</p>
<p style="text-align: right;">Page 11</p> <p>1 A. I don't believe so.</p> <p>2 Q. Have you ever been involved in a dispute or claim</p> <p>3 involving a property located in Illinois?</p> <p>4 A. I'll have to ask you to define "disputed."</p> <p>5 Q. A claim where Chubb or one of the insuring companies</p> <p>6 issued payment without any objection from the insured.</p> <p>7 A. So undisputed?</p> <p>8 Q. Have you been involved in any disputed claims?</p> <p>9 Sorry, I thought you asked me to define "undisputed." So</p> <p>10 disputed where the insurer questioned or challenged the amount</p> <p>11 that Chubb was going to pay in connection with a claim.</p> <p>12 A. Oh, yeah. Hey, I'm not -- I'm not trying to be</p> <p>13 difficult here. We handle a lot of claims across a variety of</p> <p>14 states. Have I had one where someone didn't -- may have</p> <p>15 disagreed with a payment? I -- I don't know. I can tell you</p> <p>16 that I cannot think of a claim or a matter in Illinois which</p> <p>17 would have resulted in litigation or my deposition.</p> <p>18 Q. Have you ever been a party to litigation?</p> <p>19 A. Pardon?</p> <p>20 Q. Have you ever been a party to a lawsuit, you</p> <p>21 personally?</p> <p>22 A. Oh, personally? No.</p> <p>23 Q. You weren't sued in Wind River Management Corporate</p> <p>24 v. Federal Insurance Company?</p> <p>25 A. I don't recall the details of -- of Wind River</p>	<p style="text-align: right;">Page 13</p> <p>1 MR. ERRERA: Same.</p> <p>2 Q. (BY MR. LAMDEN) What about if I asked you if you</p> <p>3 were sued personally in Brache, B-R-A-C-H-E, vs. Chubb Lloyd's</p> <p>4 Insurance Company?</p> <p>5 MR. ERRERA: Same.</p> <p>6 THE WITNESS: Okay.</p> <p>7 Q. (BY MR. LAMDEN) So you won't answer any of those</p> <p>8 topics? All right.</p> <p>9 I'm going to go through some ground rules. For</p> <p>10 today you understand that you are under oath and you were sworn</p> <p>11 to tell the truth?</p> <p>12 A. I do.</p> <p>13 Q. You understand that your testimony today has the same</p> <p>14 force and effect as if given in a court of law and the penalty</p> <p>15 of perjury laws apply?</p> <p>16 A. I do.</p> <p>17 Q. You understand all my questions today will be typed</p> <p>18 up into a transcript. You will have the opportunity to make</p> <p>19 changes to your testimony but if you do, I will be able to</p> <p>20 comment on the fact you changed your testimony at trial?</p> <p>21 A. I understand there will be a transcript and</p> <p>22 opportunity to review and make corrections.</p> <p>23 Q. Okay. So the court reporter can accurately take down</p> <p>24 all my questions, all your answers today, I just ask that you</p> <p>25 let me finish my questions before you respond. Do you agree</p>

Walter Haessig

April 25, 2023
Pages 14 to 17

<p style="text-align: right;">Page 14</p> <p>1 that if you don't understand any of my questions you'll ask me</p> <p>2 to restate it or for clarification?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Objections are for the record. Today your counsel</p> <p>5 will be making them. Unless your counsel instructs you not to</p> <p>6 answer you're to answer. The judge will decide later whether</p> <p>7 questions answered will be allowed in future proceedings.</p> <p>8 Do you agree not to look at anything while we</p> <p>9 are on the record?</p> <p>10 A. Yes.</p> <p>11 MR. ERRERA: Well, you mean other than exhibits?</p> <p>12 MR. LAMDEN: Of course.</p> <p>13 MR. ERRERA: Go ahead, you can answer.</p> <p>14 THE WITNESS: Yes, I agree.</p> <p>15 Q. (BY MR. LAMDEN) So you agree not to communicate with</p> <p>16 anyone else while we're on the record?</p> <p>17 A. I do agree with the exception of Mike, of course.</p> <p>18 Q. Can you explain what you mean by that?</p> <p>19 A. Yeah. Should -- should Mike have an objection or</p> <p>20 there's some dialogue around the question that -- you know,</p> <p>21 there might be some dialogue with Mike here while the -- while</p> <p>22 we're -- just like we just had.</p> <p>23 Q. But you're talking about while we're on the record,</p> <p>24 correct?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. (BY MR. LAMDEN) Okay. Mr. Haessig, I'm going to put</p> <p>2 on the screen what I've already marked as Exhibit 1. Are you</p> <p>3 able to see the document marked Exhibit 1 on your screen?</p> <p>4 A. Yes, sir.</p> <p>5 Q. This is Plaintiffs' Amy and Kenneth Wexler's Notice</p> <p>6 of Deposition of Defendant Federal Insurance Company. Have you</p> <p>7 seen this before?</p> <p>8 A. I have seen this before.</p> <p>9 Q. Do you recall the first time that you saw it?</p> <p>10 A. I believe that I probably saw it within the last</p> <p>11 several weeks.</p> <p>12 Q. Did you review it in connection with your prep for</p> <p>13 this deposition?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. Were you involved in drafting Chubb's</p> <p>16 responses to this Notice of Deposition?</p> <p>17 A. This -- this document I believe has more pages. Can</p> <p>18 we -- can you provide the additional details because I think</p> <p>19 there's a total of ten pages.</p> <p>20 Q. That's correct. I'm just going to flip to the first</p> <p>21 page. This is our notice. I'm just asking if you were</p> <p>22 involved in providing written responses to it.</p> <p>23 A. Next page, please. Okay. If you could continue.</p> <p>24 Thank you. All right, thank you. Next, please. Next, please.</p> <p>25 Okay.</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Okay. So you're not going to be checking e-mails or</p> <p>2 texts during this deposition?</p> <p>3 A. That is correct.</p> <p>4 Q. Is your phone off and your e-mail app closed?</p> <p>5 A. My e-mail is. I can turn my phone off if you'd like.</p> <p>6 Q. That's fine. I'm just asking that you don't check it</p> <p>7 during our deposition.</p> <p>8 A. I agree.</p> <p>9 Q. Can you confirm that there's no one else in the room</p> <p>10 with you?</p> <p>11 A. No one else is in the room.</p> <p>12 Q. Will you let me know if someone enters?</p> <p>13 A. I will. In fact, you'll probably see them right</p> <p>14 behind my shoulder here but I hope that doesn't happen.</p> <p>15 Q. Do you know of any reason that you can't give</p> <p>16 truthful and accurate testimony today?</p> <p>17 A. I'm not aware of any reason why I would not be able</p> <p>18 to provide truthful -- truthful and accurate testimony.</p> <p>19 Q. You're not on any medications or under the influence</p> <p>20 of alcohol that might impair your ability to give answers?</p> <p>21 A. No, sir.</p> <p>22 Q. You've been designated as Chubb's corporate GM for</p> <p>23 the topics today; is that right?</p> <p>24 A. That is my understanding.</p> <p>25 (Exhibit 1 was marked for identification.)</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Same question. Were you involved in preparing</p> <p>2 Chubb's responses to this notice?</p> <p>3 A. Seth, I don't remember if I was directly involved. I</p> <p>4 don't remember being -- what's the last page called? -- the --</p> <p>5 the execution page? I don't -- I don't believe that I provided</p> <p>6 the signature on this document.</p> <p>7 Q. Well, this is my document. This is a document that</p> <p>8 the plaintiffs served on your client. It's the reason that</p> <p>9 you're here today. But you are appearing pursuant to this</p> <p>10 Notice of Deposition, correct?</p> <p>11 A. Correct, yes.</p> <p>12 Q. You're appearing here in your capacity -- I just want</p> <p>13 to make clear -- as Chubb's designee on certain topics in this</p> <p>14 notice, correct?</p> <p>15 A. Certain topics, that is correct.</p> <p>16 Q. Okay. I'm turning to the first page of Exhibit 1.</p> <p>17 It states No. 2 on the bottom. My understanding is that you</p> <p>18 are not here to testify on topics 1, 2 or 3 and that your</p> <p>19 employer, Chubb, has designated Bob Paradis to testify on those</p> <p>20 topics. Is that correct?</p> <p>21 A. I don't have the list in front of me but let me look.</p> <p>22 I'm sure that we provided the topics that I was going to</p> <p>23 provide testimony on but...</p> <p>24 Q. So do you -- do you not know which topics you've been</p> <p>25 designated to provide testimony on?</p>

Walter Haessig

April 25, 2023
Pages 18 to 21

<p style="text-align: right;">Page 18</p> <p>1 A. Seth, let me be clear. I understand what topics. I</p> <p>2 don't know what numbers they are so I need a moment to look at</p> <p>3 the numbers. That's not how I -- how I remember the -- the</p> <p>4 information.</p> <p>5 Q. We can -- we can --</p> <p>6 A. I'm sorry -- let me finish. So as far as 1, 2 and 3,</p> <p>7 yeah, I believe that we responded with Bob being the designee</p> <p>8 on those topics.</p> <p>9 Q. Topic No. 4 states, "Chubb's setting of loss reserves</p> <p>10 for the CLAIM, including any adjustments to such loss reserves</p> <p>11 made or considered at any time."</p> <p>12 Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. Have you been designated to testify on behalf of</p> <p>15 Chubb today about topic No. 4?</p> <p>16 A. I believe that that's Bob that's designated on that</p> <p>17 topic.</p> <p>18 Q. Move on to topic No. 5. It says, "Chubb's standards</p> <p>19 for handling, investigating, and adjusting homeowners'</p> <p>20 residential water damage insurance claims in Illinois from 2018</p> <p>21 to the present, including with respect to the CLAIM, whether</p> <p>22 pursuant to any claims or adjustment manuals or other sources</p> <p>23 of standards or practices."</p> <p>24 Do you see that?</p> <p>25 A. I do.</p>	<p style="text-align: right;">Page 20</p> <p>1 understanding of any Illinois statutes and regulations</p> <p>2 applicable to the handling, and adjustment of the CLAIM,</p> <p>3 including the maintenance of any files relating to the CLAIM."</p> <p>4 Did I get that correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Have you been designated to testify on behalf of</p> <p>7 Chubb today about topic No. 7?</p> <p>8 A. I have not.</p> <p>9 MR. ERRERA: Object to form.</p> <p>10 Q. (BY MR. LAMDEN) You have not been designated to</p> <p>11 testify regarding topic No. 7?</p> <p>12 A. That is correct.</p> <p>13 Q. So you will not be providing testimony today</p> <p>14 regarding topic No. 7?</p> <p>15 A. That is accurate.</p> <p>16 Q. Move on to topic No. 8. It states, "Chubb's</p> <p>17 standards for selecting DOCUMENTS for inclusion in a claims</p> <p>18 file (of the kind that CHUBB identified as such in discovery in</p> <p>19 this ACTION) for a homeowners' property claim."</p> <p>20 Do you see topic No. 8?</p> <p>21 A. I do.</p> <p>22 Q. Have you been designated to testify on behalf of</p> <p>23 Chubb today about topic No. 8?</p> <p>24 A. I have.</p> <p>25 Q. Have you prepared to testify about all the</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Have you been designated by Chubb to testify on its</p> <p>2 behalf today in connection with topic No. 5?</p> <p>3 A. I have.</p> <p>4 Q. And are you prepared to testify about all the</p> <p>5 information known or reasonably known to Chubb about topic No.</p> <p>6 5?</p> <p>7 A. I am.</p> <p>8 Q. Move on to topic No. 6. It states, "Chubb's training</p> <p>9 of CHUBB claims personnel who are responsible for handling,</p> <p>10 investigating, and adjusting homeowners' residential water</p> <p>11 damage property insurance claims regarding the investigation,</p> <p>12 repair, and replacement of residential property damaged by</p> <p>13 water, mitigation of water damage, and the remediation of mold</p> <p>14 damage, whether pursuant to any claims or adjustment manuals or</p> <p>15 other sources of standards or practices."</p> <p>16 Did I get that right?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Now, have you been designated by Chubb to testify on</p> <p>19 its behalf with regard to topic No. 6?</p> <p>20 A. I have.</p> <p>21 Q. And are you prepared to give testimony today</p> <p>22 regarding all of the information known or recently known to</p> <p>23 Chubb regarding topic No. 6?</p> <p>24 A. That is correct.</p> <p>25 Q. Move on to topic No. 7. It states, "Chubb's</p>	<p style="text-align: right;">Page 21</p> <p>1 information known or reasonably known to Chubb today about</p> <p>2 topic No. 8?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Move on to topic No. 9. It states, "Chubb's</p> <p>5 contentions regarding whether its actions and conduct in</p> <p>6 handling the CLAIM comply with its duties of good faith and</p> <p>7 fair dealing under applicable law, and all bases, analyses, and</p> <p>8 reasons in support thereof."</p> <p>9 Do you see that?</p> <p>10 A. I do.</p> <p>11 Q. Have you been designated to testify on behalf of</p> <p>12 Chubb today about topic No. 9?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And are you prepared to testify about all the</p> <p>15 information known or reasonably known to Chubb about topic No.</p> <p>16 9?</p> <p>17 A. Yes.</p> <p>18 Q. Let's move on to topic No. 10. It states, "Chubb's</p> <p>19 searches for and productions of DOCUMENTS (including any</p> <p>20 failure or declination to search for and produce DOCUMENTS)</p> <p>21 related to the CLAIM in this ACTION."</p> <p>22 Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. Have you been designated to testify on behalf of</p> <p>25 Chubb today about topic No. 10?</p>

Walter Haessig

April 25, 2023
Pages 22 to 25

<p style="text-align: right;">Page 22</p> <p>1 A. I have.</p> <p>2 Q. Are you prepared to testify about all the information</p> <p>3 known or reasonably known to Chubb about topic No. 10?</p> <p>4 A. Yes, sir.</p> <p>5 Q. My understanding is that Bob Paradis has been</p> <p>6 designated by Chubb to testify on behalf of topic -- on behalf</p> <p>7 of Chubb in connection with topic No. 11. Would I be correct</p> <p>8 that you're not here today to testify on topic 11?</p> <p>9 A. You are correct.</p> <p>10 Q. Twelve is not an issue in this -- in this deposition.</p> <p>11 I'm going to move on to topic 13.</p> <p>12 On the following page it states, "All</p> <p>13 interpretive materials (DOCUMENTS and information) in Chubb's</p> <p>14 possession, custody, or control, or that are reasonably</p> <p>15 available to CHUBB, that concern or could be used for, or that</p> <p>16 CHUBB actually has used for, the interpretation and application</p> <p>17 of any provisions of the policy implicated by the CLAIM."</p> <p>18 Do you see that?</p> <p>19 A. I do.</p> <p>20 Q. Have you been designated to testify on behalf of</p> <p>21 Chubb today about topic No. 13?</p> <p>22 A. I have not.</p> <p>23 Q. Topic No. 14 states, "The underwriting of the</p> <p>24 POLICY."</p> <p>25 Do you see that?</p>	<p style="text-align: right;">Page 24</p> <p>1 approximation. You know, sometime in the last couple weeks.</p> <p>2 MR. LAMDEN: Mike, it sounds like you're making</p> <p>3 a privilege objection but your witness has already started</p> <p>4 talking about the contents of the -- of the e-mail.</p> <p>5 MR. ERRERA: You know, Seth, he's given you his</p> <p>6 answer.</p> <p>7 MR. LAMDEN: That's fair. And his answer also</p> <p>8 involved his communication.</p> <p>9 Q. Mr. Haessig, can you tell me --</p> <p>10 MR. ERRERA: No, he's not going -- I'm directing</p> <p>11 him not to answer the question.</p> <p>12 Q. (BY MR. LAMDEN) Mr. Haessig, what about the</p> <p>13 confusion -- what made you confused about what you were going</p> <p>14 to testify about?</p> <p>15 That's not related to a communication.</p> <p>16 What made you confused as to whether you were</p> <p>17 going to testify about topic No. 14?</p> <p>18 MR. ERRERA: Same objection; same direction.</p> <p>19 Q. (BY MR. LAMDEN) Mr. Haessig, is it your testimony</p> <p>20 that you -- strike that.</p> <p>21 You're not prepared to testify about topic No.</p> <p>22 14 today?</p> <p>23 MR. ERRERA: Asked and answered.</p> <p>24 Go ahead.</p> <p>25 THE WITNESS: That is correct.</p>
<p style="text-align: right;">Page 23</p> <p>1 A. I do.</p> <p>2 Q. Have you been designated to testify on behalf of</p> <p>3 Chubb today about topic No. 14?</p> <p>4 A. I have not.</p> <p>5 Q. Do you know whether you were ever designated by Chubb</p> <p>6 to testify on behalf of -- on its behalf in connection with</p> <p>7 topic No. 14?</p> <p>8 MR. ERRERA: Objection: form.</p> <p>9 Go ahead.</p> <p>10 THE WITNESS: Thank you. Yes, I believe that</p> <p>11 there was some miscommunication or some confusion. There was</p> <p>12 an e-mail that I'm aware of that had me at one point designated</p> <p>13 for topic 14 but I am not -- not here to give testimony on</p> <p>14 topic 14.</p> <p>15 Q. (BY MR. LAMDEN) Can you tell me who sent you that</p> <p>16 e-mail?</p> <p>17 A. I -- I think it's actually an e-mail that -- that I</p> <p>18 wrote to Mike initially and then review of that e-mail</p> <p>19 recognized, "Hey, wait a second, Mike. I think I wrote you in</p> <p>20 error. I'm not to be giving testimony on topic 14."</p> <p>21 Q. When did you write that e-mail?</p> <p>22 MR. ERRERA: Go ahead. Just speak to a date and</p> <p>23 that's it, if you know.</p> <p>24 THE WITNESS: Yeah. So, Seth, I don't -- I</p> <p>25 don't know the specific date. I could give you an</p>	<p style="text-align: right;">Page 25</p> <p>1 Q. (BY MR. LAMDEN) I'm going to move on to topic No.</p> <p>2 15. It states, "The drafting history of the Masterpiece policy</p> <p>3 forms used or marketed by CHUBB in Illinois from October 2013</p> <p>4 through December 2017."</p> <p>5 Do you see that?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Mr. Haessig, have you been designated to testify on</p> <p>8 behalf of Chubb today about topic No. 15?</p> <p>9 MR. ERRERA: Objection: form.</p> <p>10 THE WITNESS: I have not.</p> <p>11 MR. ERRERA: Foundation.</p> <p>12 Go ahead.</p> <p>13 THE WITNESS: I have not.</p> <p>14 Q. (BY MR. LAMDEN) I am moving on to topic No. 16. It</p> <p>15 states, "Chubb's marketing of the Masterpiece policy from</p> <p>16 October 2015 to the present, including any characterizations of</p> <p>17 the nature, terms, and conditions of dwelling coverage</p> <p>18 (including any additional coverages associated with the</p> <p>19 dwelling, such as rebuilding to code coverage and land</p> <p>20 coverage) under the Masterpiece POLICY and any target market</p> <p>21 segment or clientele."</p> <p>22 Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. Mr. Haessig, have you been designated by Chubb to</p> <p>25 testify on its behalf in connection with topic No. 16?</p>

Walter Haessig

April 25, 2023
Pages 26 to 29

<p style="text-align: right;">Page 26</p> <p>1 MR. ERRERA: Objection: form, foundation.</p> <p>2 Go ahead.</p> <p>3 THE WITNESS: I have not.</p> <p>4 MR. LAMDEN: Mike, explain this objection.</p> <p>5 What's your -- what's your foundation question there?</p> <p>6 MR. ERRERA: You've got the notice so it's</p> <p>7 already self-evident, but you can continue on.</p> <p>8 MR. LAMDEN: Okay, so it's not a foundation</p> <p>9 objection; you just don't like the question. I'm going to move</p> <p>10 on to No. 17.</p> <p>11 MR. ERRERA: No, that's not what I said but go</p> <p>12 ahead.</p> <p>13 Q. (BY MR. LAMDEN) It starts off, "The facts of, and</p> <p>14 CHUBB's handling of, the claims described as 'client stories'</p> <p>15 on the CHUBB website and found, as of December 13, 2021</p> <p>16 following urls." And there's more to it.</p> <p>17 Mr. Haessig, do you see where I'm reading?</p> <p>18 A. I do.</p> <p>19 Q. And have you been designated to testify on behalf of</p> <p>20 Chubb today about topic No. 17?</p> <p>21 MR. ERRERA: Form and foundation.</p> <p>22 Go ahead.</p> <p>23 THE WITNESS: I have not.</p> <p>24 Q. (BY MR. LAMDEN) I'm going to move on to topic No.</p> <p>25 18. It's on the following page. It states, "The factors</p>	<p style="text-align: right;">Page 28</p> <p>1 be -- you are not prepared to testify on those topics today.</p> <p>2 Is that correct?</p> <p>3 A. I will not be providing testimony on topics 20 and</p> <p>4 21.</p> <p>5 Q. You won't be providing testimony or you have not been</p> <p>6 prepared to speak on behalf of the -- of the company?</p> <p>7 MR. ERRERA: Asked and answered.</p> <p>8 Go ahead.</p> <p>9 THE WITNESS: Topic 20 and 21 are not topics</p> <p>10 that -- that I've been designated to provide testimony on.</p> <p>11 Q. (BY MR. LAMDEN) Topic 22 starts off, "The</p> <p>12 contractual relationships existing at any time in 2019 between</p> <p>13 Chubb and (1) Enservio, (2) BELFOR, (3) BIG, (4) Paul Davis,</p> <p>14 and (5) DBI, Inc. ..." It continues from there.</p> <p>15 Mr. Haessig, have you been designated to testify</p> <p>16 on behalf of Chubb today regarding topic No. 22?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Topic No. 23 starts off, "The substitution of Bob</p> <p>19 Paradis for Jordan Beverly, Ashley Argyle, or any other</p> <p>20 adjuster assigned to or contemplated for assignment to the</p> <p>21 CLAIM..." It continues from there.</p> <p>22 Mr. Haessig, have you been designated to testify</p> <p>23 on behalf of Chubb today regarding topic No. 23?</p> <p>24 A. That is correct.</p> <p>25 Q. My understanding is that Mr. Paradis has been</p>
<p style="text-align: right;">Page 27</p> <p>1 considered by Chubb in deciding not to renew the POLICY for the</p> <p>2 2022-2023 policy period, the identities of the persons involved</p> <p>3 in CHUBB's decision not to renew the policy for the 2022-2023</p> <p>4 policy period, and all DOCUMENTS generated in connection with</p> <p>5 CHUBB's decision not to renew the POLICY for the 2022-2023</p> <p>6 policy period."</p> <p>7 Do you see where I'm reading?</p> <p>8 A. I do.</p> <p>9 Q. Mr. Haessig, have you been designated to testify on</p> <p>10 behalf of Chubb today about topic No. 18?</p> <p>11 MR. ERRERA: Objection: form.</p> <p>12 Go ahead.</p> <p>13 THE WITNESS: I have not.</p> <p>14 Q. (BY MR. LAMDEN) I'm going to move on to topic No.</p> <p>15 19. It starts off, "The factors considered by Chubb in</p> <p>16 subsequently deciding to renew the POLICY for the 2022-2023</p> <p>17 policy period..." It continues from there.</p> <p>18 Mr. Haessig, do you see where I'm reading?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Have you been designated to testify on behalf of</p> <p>21 Chubb today about topic No. 19?</p> <p>22 MR. ERRERA: Objection: form.</p> <p>23 THE WITNESS: No, sir.</p> <p>24 Q. (BY MR. LAMDEN) My understanding is that Chubb has</p> <p>25 designated Bob Paradis for topics 20 and 21 and you will not</p>	<p style="text-align: right;">Page 29</p> <p>1 designated by Chubb to testify about topic No. 24 and you've</p> <p>2 not been prepared on that topic; is that correct?</p> <p>3 A. You are correct in that I'm not designated on topic</p> <p>4 24.</p> <p>5 Q. Topic 25 states, "CHUBB's policies in effect during</p> <p>6 the policy -- strike that. -- during the period February 1,</p> <p>7 2019 - June 1, 2019 regarding the use of infrared cameras in</p> <p>8 investigating residential property insurance claims involving</p> <p>9 water damage."</p> <p>10 Mr. Haessig, do you see topic No. 25?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Have you been designated to testify on behalf of</p> <p>13 Chubb today about topic No. 25?</p> <p>14 A. No, sir.</p> <p>15 Q. You have not been designated for 25?</p> <p>16 A. Oh, my apologies. 25? Yes, I am designated for 25.</p> <p>17 Q. Okay. Are you prepared to testify about all the</p> <p>18 information known or reasonably known to Chubb today about</p> <p>19 topic No. 25?</p> <p>20 A. Topic 25, yes, sir.</p> <p>21 Q. My understanding is that you have not been designated</p> <p>22 for topics 26 and 27 and those have been designated or assigned</p> <p>23 to Bob Paradis; is that correct?</p> <p>24 A. It is correct that I'm not designated for 26 and 27.</p> <p>25 Q. Okay. Mr. Haessig, did you do anything to prepare</p>

Walter Haessig

April 25, 2023
Pages 30 to 33

<p style="text-align: right;">Page 30</p> <p>1 for today's deposition?</p> <p>2 A. Yes, sir.</p> <p>3 Q. What did you do?</p> <p>4 A. So reviewed some of the claim documentation, some of</p> <p>5 the productions, reviewed the items that have been -- to more</p> <p>6 familiarize myself with some of the topics that I've been</p> <p>7 designated on, reviewed the policy. Those -- those -- those</p> <p>8 type of actions.</p> <p>9 Q. Do you recall what documents you reviewed in the</p> <p>10 claim file? I think you referred to them as claim documents.</p> <p>11 A. Yeah, so specifically the -- the insurance policy was</p> <p>12 reviewed. Some of the general adjuster best practice</p> <p>13 guidelines I reviewed. Some of the file itself, the claim</p> <p>14 file. I had to make some phone calls to make sure I had an</p> <p>15 understanding on a couple of the other topics.</p> <p>16 Q. Who did you call?</p> <p>17 A. So this would have been a guy by the name of Ben</p> <p>18 Kelly.</p> <p>19 Q. What's Mr. Kelly's current title?</p> <p>20 A. You know, Seth, I don't know his specific title. I</p> <p>21 know that he helps with vendor management but I don't know what</p> <p>22 his -- as I sit here today, I don't know his title.</p> <p>23 Q. Is he employed by Chubb?</p> <p>24 A. That is correct.</p> <p>25 Q. Does he work in a specific department of Chubb?</p>	<p style="text-align: right;">Page 32</p> <p>1 Q. Did you talk about your deposition with anyone other</p> <p>2 than Ben Kelly?</p> <p>3 A. No, sir.</p> <p>4 Q. You didn't discuss it with your counsel?</p> <p>5 A. Well, I thought that was a given but, yeah, Mike and</p> <p>6 I talked, of course.</p> <p>7 Q. Do you recall when you and Mike first discussed your</p> <p>8 deposition?</p> <p>9 A. Within the last couple of weeks.</p> <p>10 Q. Have you spent time with your attorneys preparing for</p> <p>11 the deposition?</p> <p>12 A. Yes.</p> <p>13 Q. Did they show you any documents?</p> <p>14 A. We talked about the -- the --</p> <p>15 MR. ERRERA: Wait. You know, he -- he doesn't</p> <p>16 want -- or he -- don't talk about what you and I have talked</p> <p>17 about. Just -- could you re ask the question again? Listen to</p> <p>18 what the question was.</p> <p>19 Q. (BY MR. LAMDEN) Yeah. Mr. Haessig, to be clear, I'm</p> <p>20 not asking you to disclose any privileged communications with</p> <p>21 your counsel, Mr. Errera, or anyone with his firm but I would</p> <p>22 like to know if you reviewed any documents in preparation with</p> <p>23 this claim including any showed to you by your attorneys.</p> <p>24 A. Yes, sir.</p> <p>25 Q. Do you recall any of the specific documents that you</p>
<p style="text-align: right;">Page 31</p> <p>1 A. I'm sure that he does. Other than that it kind of</p> <p>2 falls under the umbrella of vendor management I don't know what</p> <p>3 the department would be.</p> <p>4 Q. What's vendor management?</p> <p>5 A. Vendor management, the -- he -- he would help</p> <p>6 facilitate some of the workings related to -- I don't remember</p> <p>7 the specific topic but one of the topics is the contractual</p> <p>8 agreements as it states with a variety of vendors I believe is</p> <p>9 how you had wrote it so I needed a little clarification from</p> <p>10 them on that topic.</p> <p>11 Q. What did you and Ben talk about?</p> <p>12 A. Yeah. So I had questions that were related to</p> <p>13 contracts and we talked about -- what the details, if any, of</p> <p>14 those contracts might be.</p> <p>15 Q. Do you remember what specific questions you asked</p> <p>16 him?</p> <p>17 A. Yeah. Some, anyway. I had to inquire as to if there</p> <p>18 even is a contract in place or a professional service agreement</p> <p>19 in place with some of these vendors.</p> <p>20 Q. Which vendors did you ask about?</p> <p>21 A. If you pull up the topic it would help me out, but as</p> <p>22 I sit here right now without the topics in front of me it was</p> <p>23 Enservio, I believe it was DBI, the building consultant that we</p> <p>24 use, BIG was another one. There was another one or two in</p> <p>25 there. I don't remember exactly the name.</p>	<p style="text-align: right;">Page 33</p> <p>1 reviewed? I think you had -- strike that. Let me go back.</p> <p>2 I think you said claim documents and you</p> <p>3 mentioned the policy. Do you recall specifically any other</p> <p>4 documents that you reviewed to prepare for your deposition that</p> <p>5 were in the claim file?</p> <p>6 A. Not -- not specific documents, no.</p> <p>7 Q. I think you used the word "productions" earlier when</p> <p>8 you said that's what you reviewed. What did you mean by that?</p> <p>9 A. And maybe I used the wrong terminology but there was</p> <p>10 some documents that were provided as part of the production and</p> <p>11 I don't -- I'm sure there's some legal terminology I don't --</p> <p>12 not familiar with, you know, but stuff that -- or files that --</p> <p>13 documents that would have been provided in relation to the</p> <p>14 litigation.</p> <p>15 Q. Do you remember specifically what any of those were?</p> <p>16 A. I can remember one specifically that I'll be happy to</p> <p>17 share with you. So as it relates to the general adjuster best</p> <p>18 practices I had asked Mike to e-mail that document to me.</p> <p>19 Q. Okay. Other than Ben Kelly and your counsel, you</p> <p>20 testified, am I correct, that you didn't talk to anyone else</p> <p>21 about your deposition?</p> <p>22 A. That is correct.</p> <p>23 Q. And have you disclosed to me all of the documents</p> <p>24 that you remember you remember viewing in connection with your</p> <p>25 deposition?</p>

Walter Haessig

April 25, 2023
Pages 34 to 37

<p style="text-align: right;">Page 34</p> <p>1 A. Yeah, I have. I mean, there might be some other 2 stuff that I've reviewed documentation wise but as I sit here 3 today I can't tell you exactly what those things might be other 4 than things that, you know, generally speaking are -- would be 5 the claim file. 6 Q. How much time did you spend reviewing documents to 7 prepare for your deposition? 8 A. Seth, I didn't keep a tally of the hours but just an 9 approximation, probably six hours. 10 Q. Was that spread out over several days or was that all 11 in one day? 12 A. It was over probably two, three days, something close 13 to that. 14 Q. Do you recall how much time you spent talking to your 15 attorneys to prepare for this deposition? 16 A. Mike and I probably had an hour, maybe an hour and a 17 half of a -- of a call. 18 Q. Did you talk to any in-house attorneys at Chubb in 19 preparing for your deposition? 20 A. Yes, I did. Thanks for bringing that to my 21 attention. I didn't -- certainly don't mean to mislead you at 22 some points. But, yeah, I had to contact an in-house attorney, 23 Tom Coleman, to make sure that I had an understanding of how 24 some of the documents were produced. 25 Q. When did you talk to Tom Coleman?</p>	<p style="text-align: right;">Page 36</p> <p>1 prepare for, Seth, was, you know, just a -- a timeline of when 2 I -- when I took a promotion so... Yeah, I think it -- I think 3 it is where I'm at right now. 4 Q. Have your roles and responsibilities in that position 5 changed from January 1, 2019, to today? 6 A. Assuming that I'm in the same desk that I was at that 7 point? 8 Q. Yes. 9 A. Yeah, the responsibilities are -- are the same. 10 Q. Can you tell me what those are? 11 A. Yeah, sure. So as the AVP or Assistant Vice 12 President of the -- a claim manager, what I do is I manage a 13 team of five or six general adjusters. The general adjusters 14 generally are hand -- handling larger losses and we administer 15 the policy associated with those claims. 16 Q. What's a general adjuster? 17 A. A general adjuster is an adjuster that handles, you 18 know, claims that as a company we designate to be large or 19 complex or complicated. 20 Q. Is that a title, general adjuster? 21 A. Yes, sir. 22 Q. Okay. What do you mean by a larger claim? What's a 23 large claim or a large -- larger claim I think you may have 24 said? 25 A. Yeah. So there's not a specific definition of a</p>
<p style="text-align: right;">Page 35</p> <p>1 A. I talked to Tom yesterday. 2 Q. Do you remember how long you and he spoke? 3 A. Oh, goodness, less than ten minutes. It was not a 4 very long conversation. 5 Q. Was Mr. Errera on the call? 6 A. No. 7 Q. Was that the first time you had talked to Mr. Coleman 8 about your deposition? 9 A. Yes. 10 Q. Was that the first time you had talked to Mr. Coleman 11 about the Wexlers' claim? 12 A. The best I can recall, yes. 13 Q. Other than preparing -- other than talking to 14 Mr. Coleman and Mr. Errera and reviewing the documents you 15 referenced, did you do anything else to prepare for today's 16 deposition? 17 A. No, sir. 18 Q. Okay. How long have you been working at Chubb? 19 A. I have been at Chubb for approximately 14 years. 20 Q. Can you tell me what your position was in January 21 1st, 2019, with Chubb? 22 A. Yes. At that point in time I believe I was in the 23 same position that I am right now. That would have been close 24 to the period of time that I would have taken the job to sit at 25 the desk and have the title I currently do. One thing I didn't</p>	<p style="text-align: right;">Page 37</p> <p>1 larger claim. Just generally speaking we would probably start 2 talking about something being larger in value, somewhere around 3 \$500,000. 4 Q. Are we talking about property-damage claims? 5 A. Yes, sir. 6 Q. Do your responsibilities with the company include 7 liability insurance claims as well? 8 A. They do not, no. 9 Q. Do -- do your responsibilities include commercial 10 property-damage claims? 11 A. Correct, yes. 12 Q. It is though commercial and residential property 13 damage? 14 A. That is true. 15 Q. Did you say administering the claim is one of your 16 responsibilities? 17 A. I think I said administering the policy. I may have 18 said "claim" but, yes, policy. 19 Q. I -- I probably misspoke. What do you mean by 20 administering the policy? 21 A. Yeah. So -- 22 MR. ERRERA: Let me -- let me -- Wally, hold on. 23 Seth, is there a particular topic that you're 24 looking at here that this falls under? 25 MR. LAMDEN: No.</p>

Walter Haessig

April 25, 2023
Pages 38 to 41

<p style="text-align: right;">Page 38</p> <p>1 MR. ERRERA: I'm sorry?</p> <p>2 MR. LAMDEN: No.</p> <p>3 MR. ERRERA: All right. Then I'd ask the</p> <p>4 witness not to answer. Again, this isn't being taken as a fact</p> <p>5 deposition. I give you a little bit of leeway to understand</p> <p>6 his background and that but I think it's all intimate fact</p> <p>7 issues now.</p> <p>8 MR. LAMDEN: As I previously stated, I don't</p> <p>9 believe scope objections are appropriate in this deposition.</p> <p>10 Q. Mr. Haessig, are you going to follow your attorney's</p> <p>11 advice not to answer?</p> <p>12 MR. ERRERA: Well, and just to make the record</p> <p>13 clear, I believe that scope objections are appropriate because</p> <p>14 that's the whole point of designating someone on select topics.</p> <p>15 But with that direction I would ask the witness to not answer.</p> <p>16 Q. (BY MR. LAMDEN) Mr. Haessig, do you recall when you</p> <p>17 first heard about the Wexlers' claim?</p> <p>18 MR. ERRERA: Again, is this a particular topic</p> <p>19 just so that I could understand as I'm looking at the topic</p> <p>20 list which one you're pulling this from?</p> <p>21 MR. LAMDEN: My former response stands. It</p> <p>22 doesn't relate to a specific topic. I'm not going to keep</p> <p>23 answering this question.</p> <p>24 MR. ERRERA: Then I won't -- until you get to a</p> <p>25 specific topic I'm going to tell him not to answer. You've got</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. (BY MR. LAMDEN) Were you personally involved in the</p> <p>2 process of searching for and producing documents in this</p> <p>3 litigation?</p> <p>4 A. Personally involved, no, sir.</p> <p>5 Q. But you are prepared to talk about document</p> <p>6 productions in this litigation, correct?</p> <p>7 A. That is correct.</p> <p>8 Q. What did Chubb do to identify responsive documents in</p> <p>9 this litigation when responding to the Wexlers' request for</p> <p>10 production?</p> <p>11 A. Sure. Thanks for the question. So my -- my</p> <p>12 understanding is there is a request to produce documents. We</p> <p>13 work with the folks in a variety of departments, if you will.</p> <p>14 So, for example, some of the documentation the best that I can</p> <p>15 remember would have been related to underwriting, some of it,</p> <p>16 of course, was the claim file. So we worked with the various</p> <p>17 Operation folks to produce those documents that were requested.</p> <p>18 Q. Do you know which documents -- strike that.</p> <p>19 I'm going to move on for a second. Do you know</p> <p>20 if Ashley Argyle was involved in connection with the Wexlers'</p> <p>21 claim?</p> <p>22 A. Yes, I'm aware that she was involved.</p> <p>23 Q. Did Chubb review and produce Ashley Argyle's e-mails</p> <p>24 and documents that are not in the claim file?</p> <p>25 A. I'm sorry, Seth, can you repeat the question?</p>
<p style="text-align: right;">Page 39</p> <p>1 the topics. Like we did in the meet and confer I told you</p> <p>2 these were specifically worded and narrowly tailored. Stick to</p> <p>3 the topics.</p> <p>4 MR. LAMDEN: Mike, you recognize we're going to</p> <p>5 end up taking this deposition again if you keep obstructing</p> <p>6 these questions, right?</p> <p>7 MR. ERRERA: And you understand that you're</p> <p>8 limited to the topics as you have phrased them and presented</p> <p>9 them, correct? And we can go back and forth like this all day.</p> <p>10 You've got the topics. Ask the topics. Inquire upon the</p> <p>11 topic.</p> <p>12 MR. LAMDEN: Mike, you're taking a very risky</p> <p>13 approach here but that's fine, we can move on. If you want to</p> <p>14 send me some authority to support your position, please do at a</p> <p>15 break. Otherwise, I can send you the cases but I'm not going</p> <p>16 to continue with this on the record.</p> <p>17 Q. Mr. Haessig, if I ask you questions about your</p> <p>18 involvement with the Wexler claim that are not specifically</p> <p>19 related to a topic that you've been designated for, are you</p> <p>20 going to answer my questions?</p> <p>21 MR. ERRERA: I'm going to direct that he's going</p> <p>22 to answer no but go ahead, Walter.</p> <p>23 THE WITNESS: Seth, I'll take the advice of</p> <p>24 counsel and not answer questions other than what I'm</p> <p>25 designated -- what I'm designated for.</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Did Chubb review and produce Ashley Argyle's e-mails</p> <p>2 and documents that are not in the claim file?</p> <p>3 A. Yeah. So when I'm talking about claim file at least</p> <p>4 in my mind, and maybe it's a point we can talk about a little</p> <p>5 bit, claim file I'm -- I'm talking the e-mails as well would</p> <p>6 make up the broader claim file, if you will. I am aware that</p> <p>7 we requested Ops and produced the e-mails that -- from Ashley.</p> <p>8 I don't want there to be confusion that -- sorry, I just am</p> <p>9 looking to clarify that e-mails do make up the claim file and</p> <p>10 we did ask Operations to provide e-mails from Ashley, yes.</p> <p>11 Q. Let me ask this. Do you know whether all of Ashley</p> <p>12 Argyle's e-mails relating to the Wexler claim were contained in</p> <p>13 the Wexlers' claim file?</p> <p>14 A. It's my understanding that pertinent e-mails would</p> <p>15 have been attached to the claim file.</p> <p>16 Q. That's not my question. Do you know whether all of</p> <p>17 Ashley Argyle's e-mails relating to the Wexlers' claim are</p> <p>18 contained in the Chubb claim file?</p> <p>19 A. Yeah, I -- I don't know that all of Ashley's e-mails</p> <p>20 are in the claim file. It is my understanding that pertinent</p> <p>21 e-mails are in the claim file.</p> <p>22 Q. Did Chubb review whether Ashley Argyle's e-mails that</p> <p>23 are not in the claim file were responsive to the Wexlers'</p> <p>24 document production requests?</p> <p>25 A. That is my understanding, yes, sir.</p>

Walter Haessig

April 25, 2023
Pages 42 to 45

<p style="text-align: right;">Page 42</p> <p>1 Q. Do you know whether all of Jordon Beverly's e-mails 2 and documents that relate to the Wexlers' claim are contained 3 in the claim file?</p> <p>4 A. Similar answer to Ashley's. But all e-mails? Not 5 necessarily. Pertinent e-mails would be in the claim file.</p> <p>6 Q. Do you know whether Chubb reviewed Jordon Beverly's 7 e-mails that are not contained in the Chubb claim file to see 8 whether they relate to the Wexlers' claim?</p> <p>9 A. Just for clarification, so did we review them or did 10 we produce them?</p> <p>11 Q. Well, I'm going to ask first did you review them?</p> <p>12 A. Yeah. I personally did not review the -- the 13 e-mails. My understanding is that we produced the -- the 14 e-mails that -- as part of the production. You asked -- or 15 Wexlers asked and we provided those e-mails.</p> <p>16 Q. Yeah, I should be clear, too. I'm not asking whether 17 you reviewed them. I understand from what you said earlier you 18 did not. I'm asking whether Chubb did or, you know, by 19 extension Chubb's counsel.</p> <p>20 But -- and I just want to make sure I wrap this 21 up correctly. So what is -- what is the answer whether Chubb 22 reviewed Jordon Beverly's e-mails relating to the Wexler claim 23 that are not contained in the claim file?</p> <p>24 A. Yeah, so I'm -- I don't know that there are e-mails 25 that are not contained in the claim file. I don't know if we</p>	<p style="text-align: right;">Page 44</p> <p>1 claim file to determine whether any are related to the Wexlers' 2 claim?</p> <p>3 A. Seth, I -- I don't know.</p> <p>4 Q. Do you know whether Chubb reviewed Tina Bryant's 5 e-mails and documents to determine whether any were related to 6 the Wexler claim?</p> <p>7 A. Yeah, I don't -- I don't remember reviewing the 8 requests for that individual.</p> <p>9 Q. Right. What I'm asking is whether Chubb reviewed 10 Tina Bryant's e-mails that are not in the claim file to 11 determine whether any are related to the Wexler claim?</p> <p>12 A. Yeah, a similar answer. Hey, I'm not trying to be 13 difficult. The -- the question has the premise that there's 14 e-mails not in the claim file. I'm not certain that that is 15 accurate. That specific individual I don't remember reviewing 16 that production. To the extent it was requested we -- we 17 should have provided the documents but again as I sit here 18 today, I can't tell you for certain that we reviewed them.</p> <p>19 Q. And I understand you said you -- you don't know 20 whether there are Tina Bryant e-mails that are not in the claim 21 file and that's fair. I'm not trying to trip you up either. 22 Do you know whether Chubb asked Tina Bryant whether she had any 23 e-mails relating to the Wexlers' claim that are not in the 24 claim file?</p> <p>25 A. I don't know.</p>
<p style="text-align: right;">Page 43</p> <p>1 reviewed -- to the extent there are e-mails not in the claim 2 file if Chubb reviewed those e-mails to the extent they got 3 them.</p> <p>4 Q. Did Chubb ask Jordon Beverly to provide his e-mails 5 that were not in the claim file?</p> <p>6 A. Yeah, again, the question is e-mails that aren't in 7 the claim file. I don't know that there are e-mails that are 8 not in the claim file. We did request I'm going to call them 9 the IT department which might not be completely accurate but 10 for the purpose of this answer to produce those e-mails.</p> <p>11 Q. Do you know whether Tim Blake was involved in any way 12 with the Wexlers' claim?</p> <p>13 A. Tim -- as I sit here today, Seth, I can't tell you 14 for certain if Tim was involved. I wouldn't be surprised to 15 find out that he had some involvement at some point over the 16 years of this claim.</p> <p>17 Q. Do you know whether Chubb reviewed Tim Blake's 18 e-mails and documents to determine whether any relates to the 19 Wexler claim?</p> <p>20 A. Specific to Tim's e-mails? I -- I don't recall a 21 document that would have specifically called out Mr. Blake's. 22 I do recall the request and the production for -- for Ashley 23 and -- and Jordon.</p> <p>24 Q. I think you mentioned a document. I'm just asking 25 whether Chubb reviewed Tim Blake's e-mails that are not in the</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Did Chubb ask Lacey Chastain whether she had any 2 e-mails relating to the Wexler claim that were not in the claim 3 file?</p> <p>4 A. Yeah, I -- I can't answer that question in that we 5 requested the IT folks to do a search and would have provided 6 those documents or those e-mails.</p> <p>7 Q. And by "IT folks" who are you referring to?</p> <p>8 A. Yeah. Again, kind of similar to the answer on a 9 prior question. I'm not an IT guy just to be real -- real 10 honest with you so the workings of how -- how computers work 11 and how -- how things are stored, that level or that granule 12 detail, I'm going to refer to those folks as -- as the IT 13 department which might not be completely accurate. But for the 14 purposes of answering the question, the IT folks would have 15 done the search and provided the document or documents or 16 e-mails.</p> <p>17 Q. Do you know what -- the parameters Chubb gave to the 18 IT team for these searches?</p> <p>19 A. In part I can remember the parameters. I don't 20 remember every parameter, no, sir.</p> <p>21 Q. Did Chubb specify specific document custodians -- 22 for example, Tina Bryant or Lacey Chastain -- that they wanted 23 the IT group to search for their e-mails?</p> <p>24 A. Yes, sir.</p> <p>25 Q. If I wanted to find a list of those e-mails, what</p>

Walter Haessig

April 25, 2023
Pages 46 to 49

<p style="text-align: right;">Page 46</p> <p>1 would I do?</p> <p>2 A. To be real specific on the answer, I don't know</p> <p>3 the -- the detailed processes or work flow for that but I would</p> <p>4 request that the IT people produce the documents that are</p> <p>5 within the parameters provided.</p> <p>6 Q. Do you know the date range that the IT team used to</p> <p>7 search for e-mails related to the Wexler claim?</p> <p>8 A. Yeah, Seth, as I sit here right now I can't remember</p> <p>9 the -- the dates. I can testify that there -- there was a date</p> <p>10 range.</p> <p>11 Q. Do you recall where you learned the information that</p> <p>12 you're testifying to now about IT searches for e-mails?</p> <p>13 A. Yeah, for -- in talking to Tom Coleman who I</p> <p>14 mentioned earlier -- because I needed some clarification myself</p> <p>15 to provide testimony on the topic -- that's where the</p> <p>16 information would have come from.</p> <p>17 Q. Do you know what -- what search terms were used by</p> <p>18 the IT team to identify e-mails that might relate to the</p> <p>19 Wexlers' claim?</p> <p>20 A. Seth, I can answer in part. It might not be fully as</p> <p>21 I sit here today -- again, I can't remember all of the</p> <p>22 parameters -- but it would have been by first and last name,</p> <p>23 claim number, policy number. I believe I saw address as well.</p> <p>24 Q. When you say "first and last names," you mean of the</p> <p>25 insured or the employees within Chubb?</p>	<p style="text-align: right;">Page 48</p> <p>1 requested as part of the documentation or the document</p> <p>2 production, that we would ask for the search.</p> <p>3 Q. Would the IT team searches have picked up documents,</p> <p>4 electronic documents as well as e-mails or just e-mails?</p> <p>5 A. I'm sorry, can you clarify the question?</p> <p>6 Q. I think you had testified earlier that the Chubb IT</p> <p>7 team ran searches to find responsive e-mails. Is that correct?</p> <p>8 A. That's my understanding, yes, sir.</p> <p>9 Q. Would those searches also have encompassed electronic</p> <p>10 documents that were not e-mails?</p> <p>11 A. I'm not sure what electronic documents that aren't</p> <p>12 e-mails might -- might be. Do you have an example by chance?</p> <p>13 Q. Sure. An Excel spreadsheet --</p> <p>14 A. Oh, like --</p> <p>15 Q. -- that's not been printed out.</p> <p>16 A. Like a -- like attached in an e-mail?</p> <p>17 Q. No, just an Excel spreadsheet regardless of whether</p> <p>18 it's attached to an e-mail. So saved on a local drive,</p> <p>19 for example.</p> <p>20 A. Oh, yeah. Seth, I know -- I know there's some</p> <p>21 documents I'm not real clear on -- on the ins and outs of this</p> <p>22 and it's not part of the topics but I'll -- I'll help where I</p> <p>23 can.</p> <p>24 You know, there's litigation holds. I would</p> <p>25 imagine that anybody involved would have got the litigation</p>
<p style="text-align: right;">Page 47</p> <p>1 A. Sorry, the insured.</p> <p>2 Q. The insured. So Kenneth and Amy Wexler?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. I'm not sure that we answered the question and</p> <p>5 so I apologize but do you know whether Chubb asked Lacey</p> <p>6 Chastain whether she had e-mails and documents relating to the</p> <p>7 Wexler claim that were not in the claim file?</p> <p>8 A. Did we specifically ask her?</p> <p>9 Q. Yes.</p> <p>10 A. That I don't -- I don't have clarity on. We would</p> <p>11 have asked the IT folks based on the parameters provided for</p> <p>12 the e-mails.</p> <p>13 Q. For Lacey Chastain's e-mails relating to the Wexler</p> <p>14 claim?</p> <p>15 A. Yes.</p> <p>16 Q. Do you know whether Hattie Cherry was involved at all</p> <p>17 with the Wexler claim?</p> <p>18 A. The name sounds familiar, Seth, but I can't recall</p> <p>19 if -- if -- if they were or were not or what level of detail</p> <p>20 they may have been involved.</p> <p>21 Q. Do you know whether Chubb asked Hattie Cherry whether</p> <p>22 she had any e-mails or documents relating to the Wexler claim</p> <p>23 that were not in the Wexler claim file?</p> <p>24 A. Yeah, specifically for that individual I -- I don't</p> <p>25 know other than that my understanding is that if it was</p>	<p style="text-align: right;">Page 49</p> <p>1 hold. Whether there was a specific request from her on an</p> <p>2 electronic document that is stored on her drive or not, I don't</p> <p>3 know that she would have gotten that request.</p> <p>4 Q. Was there a litigation hold issued in this case?</p> <p>5 A. I believe so, but I could be -- I could be wrong.</p> <p>6 I'd have to get some clarification and get back to you which is</p> <p>7 unusual in deposition but, yeah.</p> <p>8 Q. Did you receive a litigation hold in connection with</p> <p>9 this case?</p> <p>10 A. Specifically on Wexler? As I sit here today, I can't</p> <p>11 recall. We get litigation holds, you know, periodically. If</p> <p>12 it pertained to Wexler specifically, I just can't remember.</p> <p>13 Q. I was asking earlier about whether the IT searches</p> <p>14 picked up electronic documents such as spreadsheets. Would</p> <p>15 those searches also have picked up chat messages that were used</p> <p>16 by any of the employees related to the Wexlers' claim?</p> <p>17 A. And to the best that I understand I think that it was</p> <p>18 specific for e-mail communications. I -- I -- I just don't</p> <p>19 remember seeing anything that would have been related to</p> <p>20 instant messages but I -- I -- at the same time I can't</p> <p>21 answer -- I can't answer the question with certainty that if it</p> <p>22 included IMs or not. Sorry, Seth.</p> <p>23 Hey, while you're doing that, just for timing</p> <p>24 purposes I'll probably be looking for a break maybe in about 15</p> <p>25 minutes-ish or something close to that.</p>

Walter Haessig

April 25, 2023
Pages 50 to 53

<p style="text-align: right;">Page 50</p> <p>1 Q. Yeah, that's fine. If you -- I'll keep an eye on the</p> <p>2 clock but if I don't I assume you will so just let me know and</p> <p>3 we can -- we can break.</p> <p>4 A. Sure.</p> <p>5 Q. Do you know whether Chubb asked Corey Everett whether</p> <p>6 he had any e-mails or electronic documents that were not in the</p> <p>7 claim file that related to the Wexlers' claim?</p> <p>8 A. You know, the best that I can recall, Corey was --</p> <p>9 Corey's e-mails were included. Again, similar to the prior</p> <p>10 answer, not to imply that there's e-mails -- pertinent e-mails</p> <p>11 that are not in the claim file but -- but, yeah.</p> <p>12 Q. What do you mean when you say they were included?</p> <p>13 A. So -- so your -- your questions pertaining to this</p> <p>14 topic at least seem to me -- again, I'm not trying to be</p> <p>15 difficult -- but on the idea that there's e-mails out there</p> <p>16 that are not in the claim file. I just want to be clear I</p> <p>17 don't know that there are e-mails that aren't in the claim file</p> <p>18 but to the extent that IT was requested within the parameters</p> <p>19 we talked about a moment ago, then those e-mails were requested</p> <p>20 from the IT folks as part of production.</p> <p>21 Q. Can you tell me what the criteria are for when an</p> <p>22 e-mail must be placed into a claim file?</p> <p>23 A. Yeah. So you've heard me say "pertinent e-mails" a</p> <p>24 few times. So I'll give an example of an e-mail that I</p> <p>25 wouldn't expect to necessarily find in the claim file that I</p>	<p style="text-align: right;">Page 52</p> <p>1 you asked whether you had any e-mails relating to the Wexlers'</p> <p>2 claim that were not contained in the Chubb claim file?</p> <p>3 A. Yeah, I was not -- I was not asked about e-mails that</p> <p>4 were not in the claim file.</p> <p>5 Q. Were you asked whether you had any electronic</p> <p>6 documents that related to the Wexlers' claim that were not in</p> <p>7 the claim file?</p> <p>8 A. I don't remember being asked that.</p> <p>9 Q. Do you know whether you have e-mails that relate to</p> <p>10 the Wexlers' claim that were not in the claim file and not</p> <p>11 produced in this matter?</p> <p>12 A. Not that I'm aware of.</p> <p>13 Q. So you don't have any e-mails relating to the</p> <p>14 Wexlers' claim that are not in the claim file?</p> <p>15 MR. ERRERA: Asked and answered.</p> <p>16 Go ahead.</p> <p>17 THE WITNESS: Yes. You know, not that I'm aware</p> <p>18 of.</p> <p>19 Q. (BY MR. LAMDEN) Okay. I just want to be clear.</p> <p>20 When you say not that you're aware of, you're saying that</p> <p>21 you're not aware of having any e-mails or not aware of having</p> <p>22 been asked whether you have e-mails?</p> <p>23 MR. ERRERA: Form.</p> <p>24 Go ahead. And asked and answered. Go ahead.</p> <p>25 THE WITNESS: Yeah, so have -- have I -- have I</p>
<p style="text-align: right;">Page 51</p> <p>1 wouldn't deem to be a pertinent e-mail and that would be, you</p> <p>2 know, let's -- for example -- and I don't know that this to be</p> <p>3 the case -- but Bob may have sent an e-mail to the Wexlers</p> <p>4 arranging a time to meet at the house. Some dialogue back and</p> <p>5 forth that is not pertinent or not significant to the claim</p> <p>6 file, some of those type of back-and-forth communications might</p> <p>7 not be in the claim file obviously would be picked up in the</p> <p>8 e-mail production with him.</p> <p>9 Q. And that's exactly the kind of e-mails I'm getting at</p> <p>10 here which is I understand what you're saying. It sounds like</p> <p>11 you don't know whether all of these employees I'm talking</p> <p>12 about, all of their e-mails were contained in the claim file</p> <p>13 which is why I'm asking whether Chubb asked Corey Everett</p> <p>14 why -- whether he had any e-mails or documents relating to the</p> <p>15 Wexler claim that were not in the claim file?</p> <p>16 A. Yeah, so was there a specific request to Corey? I</p> <p>17 don't recall seeing that -- that request of him. It is my</p> <p>18 understanding that we had requested the IT folks to produce the</p> <p>19 e-mails.</p> <p>20 Q. And I know that you haven't seen it but I'm asking</p> <p>21 about what Chubb did here which is one of the topics, as to</p> <p>22 whether they reviewed and produced documents relating to these</p> <p>23 folks that I'm going through.</p> <p>24 A. Sure.</p> <p>25 Q. And you don't know. What about your e-mails? Were</p>	<p style="text-align: right;">Page 53</p> <p>1 been requested to provide e-mails personally? No, I have not.</p> <p>2 Are there e-mails related to -- to Wexler? Seth, I couldn't</p> <p>3 tell you that I haven't been copied on e-mails that -- that</p> <p>4 have been related to the Wexler matter. I don't -- I think</p> <p>5 that answers the question.</p> <p>6 Q. (BY MR. LAMDEN) Other than copy -- so you don't</p> <p>7 recall sending any e-mails relating to the Wexlers' claim other</p> <p>8 than those that are in the claim file?</p> <p>9 A. Yeah, that would be accurate. And, hey, I'm not --</p> <p>10 again, I'm not looking to be difficult. The claim file is like</p> <p>11 four years old. It's got quite a bit of history on it and a</p> <p>12 lot of time has gone on. I just can't remember the level of</p> <p>13 detail so what I'm trying to say is could there possibly be an</p> <p>14 e-mail out there that as I sit here now I can't remember?</p> <p>15 Yeah, there's that possibility. Can I think of anything that</p> <p>16 would have -- would have been into that classification? I</p> <p>17 can't remember any.</p> <p>18 Q. Okay. And I -- I need to be clear and your counsel</p> <p>19 lectured me on this earlier. This isn't your personal</p> <p>20 deposition so I'm really just asking about Chubb's knowledge</p> <p>21 and Chubb's conduct in this case. In fairness I was asking</p> <p>22 about your own e-mails and I understand that you're saying you</p> <p>23 don't recall anything there and that's fair.</p> <p>24 What about Caitlin Herman? Did Chubb ask</p> <p>25 Caitlin Herman whether she had any e-mails relating to the</p>

Walter Haessig

April 25, 2023
Pages 54 to 57

<p style="text-align: right;">Page 54</p> <p>1 Wexlers' claim that were not in the claim file?</p> <p>2 A. Yeah, I don't know.</p> <p>3 Q. Did Chubb ask Caitlin Herman whether she had any</p> <p>4 electronic documents that related to the Wexlers' claim that</p> <p>5 were not in the claim file?</p> <p>6 A. I don't know.</p> <p>7 Q. Do you know whether Caitlin Herman's e-mails and</p> <p>8 electronic documents, if any, that are not in the claim file</p> <p>9 have been produced in this matter?</p> <p>10 A. I don't recall.</p> <p>11 Q. Do you know whether Latonya Johnson was involved in</p> <p>12 any way with the Wexlers' claim?</p> <p>13 A. Seth, I think I may have seen her name in the file</p> <p>14 but I -- without reviewing the claim file I don't -- I don't</p> <p>15 recall. I don't recall what the extent of her involvement was,</p> <p>16 if any.</p> <p>17 Q. Do you know whether Chubb asked Latonya Johnson</p> <p>18 whether she had any e-mails or electronic documents relating to</p> <p>19 the Wexlers' claim that were not in the claim file?</p> <p>20 A. Yeah, again, I don't know that we requested</p> <p>21 specifically of her. I believe that that was done through IT.</p> <p>22 Q. Do you know whether Chubb asked Michael Koos whether</p> <p>23 he had any e-mails or electronic documents relating to the</p> <p>24 Wexlers' claim that are not contained in the Wexler claim file?</p> <p>25 A. Yeah, again, same -- same -- same answer. I don't</p>	<p style="text-align: right;">Page 56</p> <p>1 electronic documents relating to Wexlers' claims that are not</p> <p>2 within the Chubb claim file?</p> <p>3 A. Not that we're aware of.</p> <p>4 Q. But he hasn't been asked?</p> <p>5 A. Yeah, I don't know that he has specifically been</p> <p>6 asked.</p> <p>7 Q. What about Elva Columbo? Does she have any -- strike</p> <p>8 that.</p> <p>9 Was she -- was Elva Columbo ever asked whether</p> <p>10 she has any e-mails or documents relating to the Wexler claim</p> <p>11 that are not in the claim file?</p> <p>12 A. I don't know.</p> <p>13 Q. Do you know whether she has any such documents or</p> <p>14 e-mails?</p> <p>15 A. I do not.</p> <p>16 Q. Do you know whether Steven Pelosi was ever asked if</p> <p>17 he had any e-mails or documents that are not in the -- that</p> <p>18 relate to the Wexler claim that are not in the Wexler claim</p> <p>19 file?</p> <p>20 A. I do not.</p> <p>21 Q. Do you know whether he has any e-mails or electronic</p> <p>22 documents that are not in the claim file?</p> <p>23 A. Not -- not that I'm aware of.</p> <p>24 Q. What about Baer Phillibar? Do you know whether he --</p> <p>25 I believe he has any e-mails and documents relating to the</p>
<p style="text-align: right;">Page 55</p> <p>1 know if Mike specifically was addressed -- asked.</p> <p>2 Q. Do you know specifically whether Michael Koos had any</p> <p>3 e-mails or electronic documents relating to the Wexler claim</p> <p>4 that were not in the Wexler claim file?</p> <p>5 A. Again, the -- the IT parameters would have been -- IT</p> <p>6 would have been asked about those parameters we talked about</p> <p>7 earlier. I don't know that Mike has anything that's not in the</p> <p>8 claim file.</p> <p>9 Q. What about Donald Lee? Do you know whether Donald</p> <p>10 Lee was asked whether he has any e-mails or documents relating</p> <p>11 to the Wexlers' claim that are not in the claim file?</p> <p>12 A. I don't know.</p> <p>13 Q. Do you know whether -- do you know whether Tina</p> <p>14 Larson was asked whether she has any e-mails or electronic</p> <p>15 documents that are not in the claim file?</p> <p>16 MR. ERRERA: You can answer. Sorry.</p> <p>17 THE WITNESS: Yeah, I don't -- I don't know.</p> <p>18 Q. (BY MR. LAMDEN) What about Bob Paradis? Do you know</p> <p>19 whether he was asked whether he had any e-mails or electronic</p> <p>20 documents relating to the Wexlers' claim that are not in the</p> <p>21 claim file?</p> <p>22 A. I'm aware that the IT parameters that he with talked</p> <p>23 about were run for Bob. I don't know if Bob was asked if he</p> <p>24 has documents outside of what would be e-mails.</p> <p>25 Q. Does Chubb -- does Bob Paradis have any e-mails or</p>	<p style="text-align: right;">Page 57</p> <p>1 Wexler claim that are not in the Wexler claim file?</p> <p>2 A. I don't -- I'm not aware that Baer has any documents.</p> <p>3 Q. Do you know whether Baer was ever asked?</p> <p>4 A. I'm not sure.</p> <p>5 Q. Do you know whether Jennifer Naughton was ever asked</p> <p>6 whether she has any e-mails or electric documents related to</p> <p>7 the Wexlers' claim that are not in the claim file?</p> <p>8 A. I do not know.</p> <p>9 Q. Do you know whether Patricia Neiner, N-E-I-N-E-R, was</p> <p>10 ever asked whether she has any electronic e-mails or documents</p> <p>11 that relate to the Wexlers' claim that are not in the Wexler</p> <p>12 claim file?</p> <p>13 A. I don't know.</p> <p>14 Q. Do you know whether John Serio was ever asked whether</p> <p>15 he has any electronic e-mails -- strike that. -- any e-mails</p> <p>16 or documents relating to Wexlers' claim that are not in the</p> <p>17 Wexler claim file?</p> <p>18 A. I do not know.</p> <p>19 Q. What about Allison Scott?</p> <p>20 A. Sorry, again, I'm not meaning to be difficult, same</p> <p>21 question? What's the question?</p> <p>22 Q. Yeah. Sorry. Do you know whether Allison Scott was</p> <p>23 ever asked whether she had any e-mails or documents relating to</p> <p>24 the Wexlers' claim that are not in the Wexler claim file?</p> <p>25 A. Yeah, I don't know.</p>

Walter Haessig

April 25, 2023
Pages 58 to 61

<p style="text-align: right;">Page 58</p> <p>1 Q. Do you know whether Craig Billeci was ever asked 2 whether he has any e-mails or documents related to the Wexlers' 3 claim that are not in the Wexler claim file? 4 A. I do not know. 5 Q. Do you know whether he has any e-mails or electronic 6 documents that are not in the claim file that relate to the 7 Wexler claim? 8 A. I don't know. 9 Q. Do you know whether Jonathan -- Jonathan Smith was 10 involved in any way with the Wexlers' claim? 11 A. As -- as I sit here right now? I don't know but I 12 would not be surprised because Jonathan manages the terr -- in 13 part that territory so I would think that Jonathan was involved 14 to some extent but I'm not certain. 15 Q. You don't recall ever discussing the Wexler matter 16 with Jonathan Smith? 17 A. I have not talked to Jonathan Smith about the Wexler 18 matter. 19 Q. Do you know whether he was asked whether he has any 20 e-mails or documents relating to the Wexler claim that are not 21 in the Wexler claim file? 22 A. I don't know. 23 Q. Do you know if Chubb asked James Lenz whether he had 24 any e-mails or documents relating to the Wexler claim that are 25 not in the Wexler claim file?</p>	<p style="text-align: right;">Page 60</p> <p>1 objection. Sorry, gentlemen. What was the question, Seth? 2 Q. (BY MR. LAMDEN) Would it be fair to say as we sit 3 here that Chubb does not know whether the individuals that we 4 just discussed have any e-mails or documents relating to the 5 Wexler claim that are not in the Wexler claim file? 6 MR. ERRERA: Same objection. 7 THE WITNESS: It's my understanding the 8 individuals that -- that we just mentioned that we have not 9 asked if there are documents on -- outside of the IT search if 10 there's documents that -- that might be saved somewhere that -- 11 that would have been outside of those parameters that were -- 12 were searched. 13 Q. (BY MR. LAMDEN) And other than what you've described 14 as pertinent e-mails, there's no requirement that any of these 15 employees add all of their e-mails or documents relating to the 16 Wexler claim to the Wexler claim file? 17 A. It is accurate that pertinent e-mails would be 18 included and there would be e-mails that wouldn't be pertinent 19 that would not be included in the -- in the claim file. 20 Q. Who is your supervisor? 21 A. I report directly to a gentleman by the name of Corey 22 Everett. 23 Q. Would -- if Corey Everett sends an e-mail to someone 24 other than the adjuster on this file, on the Wexler file, would 25 Mr. Everett be required to put that e-mail in the claim file if</p>
<p style="text-align: right;">Page 59</p> <p>1 A. I don't know. 2 Q. Do you know whether Chubb asked Chris Tate whether he 3 has any e-mails or documents relating to the Wexler claim that 4 are not in the Wexler claim file? 5 A. I don't know. 6 Q. Do you know whether Chubb asked Dorthea Johnson 7 whether she had any e-mails or documents relating to the Wexler 8 claim that are not in the Wexler claim file? 9 A. I don't know. 10 Q. Do you know whether Chubb asked Lashonda Washington 11 whether she had any e-mails or documents relating to the Wexler 12 claim that are not in the Wexler claim file? 13 A. I do not know. 14 Q. Do you know whether Chubb asked Monica Turner whether 15 she had any e-mails or documents relating to the Wexler claim 16 that are not in the Wexler claim file? 17 A. I do not know. 18 Q. Would it be fair to say that for the names that we 19 just went through Chubb does not know whether those individuals 20 have e-mails and documents relating to the Wexler claim that 21 are not in the Wexler claim file? 22 MR. ERRERA: Objection: form, asked and 23 answered. 24 Go ahead. 25 THE WITNESS: Mike is going to have the same</p>	<p style="text-align: right;">Page 61</p> <p>1 it were pertinent? 2 A. If it were pertinent, I would expect for it to be in 3 the claim file. 4 Q. Would he be required to be put it in the claim file? 5 A. I'm not -- I'm not clear if there is a requirement to 6 put, you know, an e-mail in a claim file. As a general 7 practice, we put pertinent information in the claim file. 8 Q. Do you know who Mr. Everett's boss is? 9 A. Yes. 10 Q. Who's that? 11 A. Larry D'Avenia. 12 Q. Do you know whether Larry D'Avenia had any 13 involvement with the Wexlers' claim? 14 A. I don't know if Larry has had any involvement. 15 Q. I think you were asking for a break. Is now a good 16 time? 17 A. Yeah, if it's good for you, I'd welcome a break. 18 Q. Okay. Why don't we do that. Go back on in ten 19 minutes? 20 A. Okay. 21 VIDEO OPERATOR: Okay. This will mark the end 22 of media No. 1. We're going to go off the record at 10:46 a.m. 23 (Recess taken from 10:46 a.m. to 10:58 a.m.) 24 VIDEO OPERATOR: This will mark the beginning of 25 media No. 2 in our deposition of Walter Haessig. We're going</p>

Walter Haessig

April 25, 2023
Pages 62 to 65

<p style="text-align: right;">Page 62</p> <p>1 back on the record. It's 10:58 a.m.</p> <p>2 Q. (BY MR. LAMDEN) Mr. Haessig, during the break did you</p> <p>3 talk to anyone about your deposition?</p> <p>4 A. No, sir.</p> <p>5 Q. Did you text with anyone about your deposition?</p> <p>6 A. I did not.</p> <p>7 Q. Did you review any documents during the break?</p> <p>8 A. I did not.</p> <p>9 Q. In preparation for today's deposition did you review</p> <p>10 the underwriting file for the Wexlers' policy at issue in this</p> <p>11 case?</p> <p>12 A. No, sir.</p> <p>13 MR. LAMDEN: Mike, my next block of questions</p> <p>14 relates to the underwriting of the policy. It also relates to</p> <p>15 the renewal of the policy. They were going to be based on the</p> <p>16 underwriting file that you guys produced Bates No. 0003 through</p> <p>17 262. I'm not interested in fighting with you on the record</p> <p>18 about scope. If I ask questions about the underwriting file,</p> <p>19 are you going to instruct your witness not to answer?</p> <p>20 MR. ERRERA: Again, not to create a fight here.</p> <p>21 Is there a particular topic that you think that that falls</p> <p>22 under? That's my only issue. If it doesn't fall within the,</p> <p>23 what, one, two, three, four, five -- eight I think -- eight</p> <p>24 topics, then, yeah, I would tell him not to answer since it's</p> <p>25 beyond the scope.</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Mr. Haessig, does Chubb have written guidelines</p> <p>2 regarding what types of documents must be included in a claim</p> <p>3 file for a residential property insurance claim?</p> <p>4 MR. ERRERA: Asked and answered.</p> <p>5 Go ahead.</p> <p>6 THE WITNESS: Yeah, we don't have written</p> <p>7 guidelines on what documents should be included for residential</p> <p>8 water claims.</p> <p>9 Q. (BY MR. LAMDEN) If a general adjuster wanted to know</p> <p>10 what types of documents should be included in a claims file,</p> <p>11 how would he or she find out?</p> <p>12 A. Yeah, so other than to provide the similar answer the</p> <p>13 pertinent information is in the claim file, there -- there's</p> <p>14 not a document that would say -- or a guideline that would say</p> <p>15 that this should be included where that should be included.</p> <p>16 Q. You said there's nothing in writing but how would a</p> <p>17 general adjuster find out what types of information would be</p> <p>18 included in a claim file if he or she had questions?</p> <p>19 A. If she or he had questions, they would contact their</p> <p>20 manager at -- not to stumble around here, although I am,</p> <p>21 it's -- it's just a general practice that's somewhat common</p> <p>22 knowledge almost that -- that pertinent information is included</p> <p>23 in the claim file and that's just what these individuals have</p> <p>24 always been instructed to do.</p> <p>25 Q. Instructed -- by "individuals" you mean the general</p>
<p style="text-align: right;">Page 63</p> <p>1 MR. LAMDEN: Well, it falls within the scope of</p> <p>2 topic 14 which up until yesterday at three o'clock Mr. Haessig</p> <p>3 was designated to testify on.</p> <p>4 MR. ERRERA: Correct. I'm sorry, I didn't mean</p> <p>5 to cut you off.</p> <p>6 MR. LAMDEN: It also falls within the scope of</p> <p>7 Nos. 18 and 19 and you know our position is that without a</p> <p>8 protective order those topics are fair game. But, like I said,</p> <p>9 I don't want to continue to fight on the record. If I ask</p> <p>10 those questions, are you going to instruct the witness not to</p> <p>11 answer or may I proceed?</p> <p>12 MR. ERRERA: No, I would so instruct.</p> <p>13 MR. LAMDEN: Okay. And you understand that we</p> <p>14 are going to request that this deposition be reconvened,</p> <p>15 correct?</p> <p>16 MR. ERRERA: You can certainly ask but we're</p> <p>17 also now waiting for the judge to make her decisions so...</p> <p>18 But, yes, you certainly can ask for anything you'd like.</p> <p>19 MR. LAMDEN: Okay. Just to be clear then, I am</p> <p>20 not going to proceed on my questions regarding the underwriting</p> <p>21 file, the underwriting of the policy, the renewal of the policy</p> <p>22 based on your standing objection that you will instruct the</p> <p>23 witness not to answer. Are we on the same page on that?</p> <p>24 MR. ERRERA: Yes, sir.</p> <p>25 MR. LAMDEN: Okay.</p>	<p style="text-align: right;">Page 65</p> <p>1 adjusters?</p> <p>2 A. Correct, yeah.</p> <p>3 Q. Instructed by their supervisors?</p> <p>4 A. Yeah. So I was a general adjuster at one time and</p> <p>5 before that I was, you know, an outside rep, if you will.</p> <p>6 It's -- it's something that's ingrained in -- in the -- coming</p> <p>7 up through the ranks, if you will, that -- that the file is</p> <p>8 appropriately documented.</p> <p>9 Q. So with regard to e-mails, for example, within Chubb,</p> <p>10 either the sender or the recipients of the e-mail determine</p> <p>11 whether it's a pertinent communication that must be included in</p> <p>12 the claim file?</p> <p>13 A. Yeah, I think that would be fair.</p> <p>14 Q. Do you know whether Chubb is subject to any</p> <p>15 regulations in Illinois that dictate what types of documents</p> <p>16 must be kept in an insured's claim file?</p> <p>17 MR. ERRERA: I will object since it's a topic</p> <p>18 that's already been objected to that's pending the judge's</p> <p>19 decision so it's beyond the scope. Instruct him not to answer.</p> <p>20 MR. LAMDEN: This is a question about the</p> <p>21 contents of the claim file.</p> <p>22 Q. Mr. Haessig, are you going to follow your attorney's</p> <p>23 instructions not to answer the question as to whether Chubb is</p> <p>24 subject to any regulations in Illinois that dictate what</p> <p>25 documents must be kept in a claim file?</p>

Walter Haessig

April 25, 2023
Pages 66 to 69

<p style="text-align: right;">Page 66</p> <p>1 MR. ERRERA: And -- and in particular I'll lodge</p> <p>2 my objection beyond the scope. That's specifically also topic</p> <p>3 No. 7 that's pending before the Court.</p> <p>4 Go ahead, Wally.</p> <p>5 THE WITNESS: So, Seth, I'll follow counsel's</p> <p>6 advice.</p> <p>7 Q. (BY MR. LAMDEN) Do you know how long Chubb maintains</p> <p>8 records in a residential property insurance claim file?</p> <p>9 A. I don't know the specific time period the documents</p> <p>10 would be maintained.</p> <p>11 Q. Does Chubb have a record-retention policy that</p> <p>12 relates to the contents of claim files?</p> <p>13 A. I don't know that they do.</p> <p>14 Q. Does Chubb permit adjusters to delete documents or</p> <p>15 e-mails within a claim file?</p> <p>16 A. No, sir.</p> <p>17 Q. Do you know whether Chubb has a document-retention</p> <p>18 policy for documents and e-mails that are not in the claim</p> <p>19 file?</p> <p>20 A. Yeah. Hey, let me hit pause to amend slightly my</p> <p>21 testimony to the question before which was can -- I don't</p> <p>22 remember the exact question but to the extent can the claim</p> <p>23 file be changed. There is a -- there is a short window of 24</p> <p>24 hours where, you know, sometimes you just put a file -- you</p> <p>25 know, you put -- you put a note in the wrong file or something</p>	<p style="text-align: right;">Page 68</p> <p>1 (Record read as requested.)</p> <p>2 MR. ERRERA: I'm trying to listen to what you've</p> <p>3 read as the question and comparing it to my -- the list of the</p> <p>4 eight topics to see if it's within the eight topics, I'm sorry.</p> <p>5 Again, Seth, if you're not willing to tell me which covered</p> <p>6 topic this falls under I'm going to add -- I'm going to say</p> <p>7 it's beyond the scope because I don't see it being within any</p> <p>8 of these eight. I'm trying to work with you here but --</p> <p>9 MR. LAMDEN: The question isn't about scope.</p> <p>10 The question is are you going to let your witness answer or not</p> <p>11 and if not I'm just going to move on.</p> <p>12 MR. ERRERA: I'm sorry?</p> <p>13 MR. LAMDEN: The question as I see it is not one</p> <p>14 of scope because that's not an appropriate objection today.</p> <p>15 The question is whether you're going to instruct your witness</p> <p>16 not to answer. If that's the case, then I'm going to move on.</p> <p>17 MR. ERRERA: Well, if you're not telling -- if</p> <p>18 you're not willing to tell me how it falls within one of the</p> <p>19 eight, then I'm going to say that it is beyond the scope of</p> <p>20 what he's been designated to talk about as a 30(b)(6) witness.</p> <p>21 MR. LAMDEN: Okay.</p> <p>22 MR. ERRERA: And, again, I -- I urge you if</p> <p>23 there's a particular one, please tell me. Perhaps I'm</p> <p>24 misreading what's been written here for the topics and that's</p> <p>25 why I'm asking you to just please direct me to which one this</p>
<p style="text-align: right;">Page 67</p> <p>1 like that. So there's a short window that gives you an</p> <p>2 opportunity to make a change. After 24 hours you cannot change</p> <p>3 the claim file.</p> <p>4 Q. The next questions I'm going to ask are going to</p> <p>5 relate to claim files relating to residential property</p> <p>6 insurance claims. Generally with regard to those claim files</p> <p>7 can you tell me what personnel within Chubb -- I'm talking</p> <p>8 about by position here -- would have access to that claim file?</p> <p>9 MR. ERRERA: Hold on. You know, again, we go</p> <p>10 back to my original -- I'm looking here at the eight topics.</p> <p>11 Does this fall under a particular topic number to help me</p> <p>12 identify which topic you're now asking about?</p> <p>13 MR. LAMDEN: Mike, we're not doing this. If you</p> <p>14 want to object and instruct the witness to answer, do so.</p> <p>15 Otherwise I'm going to insist that the witness answer my</p> <p>16 questions about the claim file.</p> <p>17 MR. ERRERA: Seth, you know, we should be trying</p> <p>18 to work together here. So, again, I would ask just point me in</p> <p>19 the direction of which of the eight topics this falls under.</p> <p>20 That's all I'm asking you to do. Can you do that or no?</p> <p>21 MR. LAMDEN: I'm not doing it. We're not</p> <p>22 talking about the scope objections, Mike, and I'm going to stop</p> <p>23 this deposition if you keep interrupting.</p> <p>24 MR. ERRERA: Well, unless you can point -- can</p> <p>25 the court reporter read back the question again?</p>	<p style="text-align: right;">Page 69</p> <p>1 falls under and we can go through there. But if not you can</p> <p>2 certainly move on if you wish.</p> <p>3 MR. LAMDEN: Mike, I'm going to treat that as a</p> <p>4 standing objection. This is going to be my standing response.</p> <p>5 We are not going to be arguing scope objections on the record</p> <p>6 today. You can object to form by saying, "objection: form."</p> <p>7 You can instruct your witness not to answer and I will abide by</p> <p>8 that. Those are the only two objections that are appropriate</p> <p>9 for today.</p> <p>10 MR. ERRERA: Well, no, it's not true but we</p> <p>11 won't debate it on the record. You may go on.</p> <p>12 MR. LAMDEN: Okay. Let's move on.</p> <p>13 (Exhibit 4 was marked for identification.)</p> <p>14 Q. (BY MR. LAMDEN) Mr. Haessig, I'm going to show you a</p> <p>15 document that I have previously marked as Exhibit 2. It's</p> <p>16 designated or titled, excuse me, Chubb National Insurance</p> <p>17 Company's First Amended Responses -- strike that. Strike all</p> <p>18 that.</p> <p>19 I'm going to be showing you a document that has</p> <p>20 been previously marked as Exhibit 4. It's titled "Chubb</p> <p>21 National Insurance Company's First Supplemental Responses to</p> <p>22 Plaintiffs' First Set of Request to Produce Documents." Please</p> <p>23 let me know if you can see it. Can you see some of the</p> <p>24 document on your screen?</p> <p>25 A. Yes, I do see some of the document.</p>

Walter Haessig

April 25, 2023
Pages 70 to 73

<p style="text-align: right;">Page 70</p> <p>1 Q. Can you see all of it now, all of the first page, I 2 mean?</p> <p>3 A. Page 1 of 13, yes.</p> <p>4 Q. Okay. Can you tell me if this is a document you've 5 ever seen before?</p> <p>6 A. Seth, do you mind scrolling to the next?</p> <p>7 Q. No, just tell me when to move on to each page.</p> <p>8 A. Next page, please. Next, please. Next, please.</p> <p>9 Next, please. Okay. All right. Thanks, Seth.</p> <p>10 Q. Can you tell me whether you've ever seen this 11 document before today?</p> <p>12 A. Yeah, so I've reviewed -- I've reviewed some 13 documents, of course. I don't remember the -- specifically 14 reviewing this document.</p> <p>15 Q. Do you recall whether you reviewed -- I'm going to 16 turn to the first page now. So this is titled "Chubb National 17 Insurance Company's First Supplemental Responses to Plaintiffs' 18 First Set of Requests to Produce Documents." Do you know 19 whether you've seen any of Chubb's responses to any of the 20 Wexlers requests to produce documents in this case?</p> <p>21 A. Yeah, so a few of the responses look familiar so I'm 22 inclined to say that I -- that I read this first set of 23 requests. There's some of the responses that just quite 24 honestly I don't remember reading the specifics of -- of that 25 request or response.</p>	<p style="text-align: right;">Page 72</p> <p>1 A. Right. Yeah, the -- the request is for the -- the 2 claim file. As we say in the response or the answer, we've 3 provided, you know, a little more than \$14,000 -- 14 thousand 4 dollars -- 14,000 documents that would be the claim file. 5 Whether some of those 14,000 documents would be something that 6 would fall into the title of related communications and what 7 those are, I don't know.</p> <p>8 Q. It says claim file but it also asks for 9 communications relating to or referring to the claim file and I 10 was just asking you if you knew what "related communications" 11 encompassed which I think you've answered.</p> <p>12 You also noticed that -- or noted that Chubb has 13 produced I think you said documents but it's actually pages 1 14 through 14,279. Do you know whether Chubb has produced any 15 documents in addition -- or a number higher than 14,279 Bates 16 numbers?</p> <p>17 A. Oh, no -- no, sir, I don't know that -- that 18 there's -- outside of what is listed on the document here, the 19 answer, I don't know if there's additional documents or 20 additional Bates numbers beyond that 14,000 number.</p> <p>21 Q. I'm going to move on from this document. 22 Are Chubb adjusters, general adjusters, 23 permitted to communicate with their insureds through messaging 24 apps?</p> <p>25 MR. ERRERA: Hold on. Again -- and I understand</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. Okay. I am turning to request No. 2, page 2 of 2 Exhibit No. 4. It states -- the request is "Chubb's entire 3 Claims File for the Insurance Claim as well as all 4 Communications relating to or referring to the Claim File." 5 The answer is, "Objection. This request seeks documentation 6 and information that is protected by attorney-client privilege 7 and work product privileges. Notwithstanding said objections, 8 Chubb is producing the non-privileged claim file and related 9 communications."</p> <p>10 Mr. Haessig, one of the topics that you were 11 designated for is Chubb's searches for and production of 12 documents including failure or declination to search for and 13 produce documents related to the claim in this action. Can you 14 tell me what are "related communications" as the word is used 15 in this answer?</p> <p>16 A. Let me read it one more time. Sorry, give me a 17 moment. Yes, I don't know what "related communications" may or 18 may not include.</p> <p>19 Q. Do you have any idea what "related communications" 20 might encompass if they're not in the claim file?</p> <p>21 A. So I can speculate which I'd rather not speculate.</p> <p>22 Q. No need to speculate. I'm just asking for Chubb's 23 position here. It's really not based on your own knowledge. 24 You can answer if you'd like. I'm just not trying to put you 25 on the spot here where you need to speculate.</p>	<p style="text-align: right;">Page 73</p> <p>1 you want there to be a standing objection, however, there is 2 Illinois law that says standing objections even if agreed by 3 the parties waives issues so, again, I'll go back and say I'm 4 willing to work with you. I don't see that particular question 5 being encompassed within any of the eight topics, however, I'm 6 more than happy if you could tell me which one to look at to 7 look at that. Otherwise I'd say it's beyond the scope of the 8 designated topics for this particular witness and direct that 9 he not be -- not answer as a result of being beyond the scope.</p> <p>10 MR. LAMDEN: So, look, I don't want to continue 11 this on the record but I need to respond to what you just said 12 about general objections.</p> <p>13 I elected not to pursue some of the topics that 14 I had prepared for today including those that Chubb has 15 designated Mr. Haessig to testify on in the underwriting file, 16 and we had agreed that I wouldn't proceed subject to a standing 17 objection. I expect that Chubb is not going to be taking the 18 position that I waived my right to take those -- ask those 19 questions, otherwise I'm going to go through them all right 20 now. So I hope -- I'm assuming that's not what you meant 21 but --</p> <p>22 MR. ERRERA: No, there's Illinois case law that 23 says that if I don't reiterate my objection after each request 24 that a standing objection is waivable for a defendant under 25 Illinois case law. That's what I'm saying. So that's why I'm</p>

Walter Haessig

April 25, 2023
Pages 74 to 77

<p style="text-align: right;">Page 74</p> <p>1 saying if you want to point me in the direction of which one of</p> <p>2 the eight topics here that it falls under, I'm happy to look at</p> <p>3 it and let him answer. If not, then it's beyond the scope for</p> <p>4 this particular witness and isn't appropriate under 30(b)(6).</p> <p>5 MR. LAMDEN: Let me be clear on a couple of</p> <p>6 things. I don't want to continue to argue on the record. This</p> <p>7 time is not going to count against my seven hours for deposing</p> <p>8 Mr. Haessig. I'm not going to identify a topic that relates to</p> <p>9 each of my questions. For purposes of this deposition I'm</p> <p>10 merely going to ask Mr. Haessig are you going to answer my</p> <p>11 question about whether general adjusters are permitted to</p> <p>12 communicate with their insureds through messaging apps.</p> <p>13 MR. ERRERA: And, again, I will say that it's</p> <p>14 beyond the scope unless you want to direct me to which</p> <p>15 particular topic you want to address.</p> <p>16 MR. LAMDEN: All right, let's move on. We're</p> <p>17 not doing this, Mike. Let's move on.</p> <p>18 Q. Mr. Haessig, if an adjuster does communicate with an</p> <p>19 insured through a messaging app, is the general adjuster</p> <p>20 required to put that -- a log of that messaging in the claim</p> <p>21 file?</p> <p>22 MR. ERRERA: You can go ahead. I believe that</p> <p>23 falls under topic No. 8, Wally. Go ahead.</p> <p>24 THE WITNESS: Thank you. Yeah, similar to</p> <p>25 e-mails, Seth, pertinent information would be put into the</p>	<p style="text-align: right;">Page 76</p> <p>1 requirement to -- to log that. It would probably look, Seth,</p> <p>2 like that the adjuster would open the electronic claim file and</p> <p>3 enter a note with that -- you know, with that communication</p> <p>4 similarly to how you document a voice mail. Not a voice mail,</p> <p>5 a voice conversation.</p> <p>6 Q. (BY MR. LAMDEN) How would a voice mail be logged?</p> <p>7 Would that be dragged into the claim file as well?</p> <p>8 A. Like the recording itself?</p> <p>9 Q. Correct.</p> <p>10 A. Yes. No, that would not be in the claim file.</p> <p>11 Q. When you said "we don't use What'sApp," are you</p> <p>12 referring to Chubb?</p> <p>13 A. That is correct, yes.</p> <p>14 Q. Are there any messaging apps that adjusters are</p> <p>15 permitted to use with their insureds?</p> <p>16 MR. ERRERA: Again, I --</p> <p>17 MR. LAMDEN: Let's move on. Let me withdraw</p> <p>18 that question.</p> <p>19 Q. Mr. Haessig, when Chubb was responding to the</p> <p>20 Wexlers' document production request, did Chubb produce all</p> <p>21 electronic -- or messages through messaging apps that the</p> <p>22 adjusters used with the Wexlers?</p> <p>23 A. Seth, as I sit here today, I don't remember. And</p> <p>24 that's not to say that there wasn't a request for messaging. I</p> <p>25 don't recall seeing that request and I don't recall seeing a</p>
<p style="text-align: right;">Page 75</p> <p>1 claim file. The example that I used previously was, you know,</p> <p>2 for example, arranging a time to meet or arranging a time for a</p> <p>3 call. You wouldn't expect to find that type of communication</p> <p>4 in the claim file. If there is some -- something that is</p> <p>5 substantial, I'd -- I'd expect to find a reference to that</p> <p>6 communication in the claim file.</p> <p>7 Q. (BY MR. LAMDEN) When -- strike that. If -- if an</p> <p>8 adjuster were to communicate with an insured through a</p> <p>9 messaging app, would that be -- would that adjuster be required</p> <p>10 to retain logs of those communications with the insured?</p> <p>11 A. The -- I'll have to ask you to clarify for me what</p> <p>12 the -- what do you mean by "log of communication"?</p> <p>13 Q. Strike that. That was probably a bad question.</p> <p>14 If you and I were to communicate by I-message,</p> <p>15 for example, or WhatsApp, there would be a chain of your</p> <p>16 questions and my responses and what I'm asking is if you were</p> <p>17 the adjuster in my hypothetical and I were the insured, would</p> <p>18 you be required to retain somewhere the chain of communications</p> <p>19 that we just engaged in, the back and forth?</p> <p>20 MR. ERRERA: Objection: asked and answered.</p> <p>21 Go ahead.</p> <p>22 THE WITNESS: Yeah. So, hey, I appreciate the</p> <p>23 hypothetical. It is a hypothetical but just for clarity, we</p> <p>24 don't use WhatsApp. But, yeah, I understand the nature of the</p> <p>25 question. Are we required? No, there's -- there's not a</p>	<p style="text-align: right;">Page 77</p> <p>1 production that would have included any kind of text messages.</p> <p>2 Q. Was Mr. Paradis asked when responding to the document</p> <p>3 production request whether he communicated with the Wexlers</p> <p>4 through text message?</p> <p>5 A. I do not know.</p> <p>6 Q. If I were to represent to you that he did communicate</p> <p>7 with the Wexlers through text messages, would those text</p> <p>8 messages that Mr. Paradis had received have been part of</p> <p>9 Chubb's production?</p> <p>10 MR. ERRERA: Objection: form.</p> <p>11 Go ahead.</p> <p>12 THE WITNESS: Sorry, Seth, one more time can you</p> <p>13 repeat the question or have the court reporter repeat it?</p> <p>14 MR. LAMDEN: Sure. Could we have the court</p> <p>15 reporter read back?</p> <p>16 (Record read as requested.)</p> <p>17 THE WITNESS: Thank you. As I sit here right</p> <p>18 now because I haven't laid eyes on that I'm uncertain. I'd</p> <p>19 like to think that if the request was made that we made the</p> <p>20 production; that it was part of the production.</p> <p>21 Q. (BY MR. LAMDEN) Do you know whether Chubb made that</p> <p>22 request to Mr. Paradis?</p> <p>23 A. I do not know.</p> <p>24 Q. We had talked earlier about e-mails and documents.</p> <p>25 Do you know whether Chubb asked any employee of Chubb whether</p>

Walter Haessig

April 25, 2023
Pages 78 to 81

<p style="text-align: right;">Page 78</p> <p>1 it had any text messages relating to the Wexlers' claim?</p> <p>2 A. I do not know.</p> <p>3 Q. Should Chubb make that request to its employees</p> <p>4 asking whether they had any text messages relating to the</p> <p>5 Wexlers' claim?</p> <p>6 A. I'm sorry, did -- did you ask if we could or if we</p> <p>7 did?</p> <p>8 Q. If you should have.</p> <p>9 A. What we --</p> <p>10 MR. ERRERA: I think asked and answered but go</p> <p>11 ahead.</p> <p>12 THE WITNESS: Yeah, I don't know, Seth, that I'm</p> <p>13 the gauge of what -- what we should have done. I think I would</p> <p>14 have to get -- only because -- and I say that only because, you</p> <p>15 know, I'm not an attorney so I don't -- I don't know what maybe</p> <p>16 we should have done in that production or not. So I'm going to</p> <p>17 have to say I don't know.</p> <p>18 Q. (BY MR. LAMDEN) The reason I ask again is you've</p> <p>19 been designated to testify on, quote, whether -- strike that.</p> <p>20 -- "Chubb's searches for and productions of DOCUMENTS</p> <p>21 (including any failure or declination to search for and produce</p> <p>22 DOCUMENTS) related to the CLAIM in this ACTION."</p> <p>23 So I'm asking really not for your opinion but</p> <p>24 Chubb's position as to whether it should have made that request</p> <p>25 in responding to the Wexlers' document production requests. By</p>	<p style="text-align: right;">Page 80</p> <p>1 production.</p> <p>2 Q. So you're saying your IT team reached out and talked</p> <p>3 to the individuals in connection with their e-mail searches?</p> <p>4 A. No, sir. And the reason why I answer like that is</p> <p>5 simply they don't -- they wouldn't need to request permission</p> <p>6 to search those e-mails. They -- they can search our e-mails.</p> <p>7 Q. Right. I understand. I was just asking if they</p> <p>8 should have asked the Chubb employees involved with the Wexler</p> <p>9 claim whether they had any e-mails. Maybe they were stored</p> <p>10 locally, for example. I'm just asking whether they should --</p> <p>11 whether Chubb should have made that request, not whether IT</p> <p>12 should have searched for e-mails.</p> <p>13 A. Again, whether we should have or not, I -- I'm</p> <p>14 unclear on. What I do understand is that any -- any -- any</p> <p>15 search with the parameters that they were given would have</p> <p>16 identified those e-mails.</p> <p>17 Q. So -- and I want to move on but just to close the</p> <p>18 loop, when you said there was e-mails -- earlier we talked --</p> <p>19 I'm going to put it back up on the screen -- we talked about</p> <p>20 request No. 2 and we talked about, excuse me, related</p> <p>21 communications as Chubb used in its answer. Are you saying</p> <p>22 that all related communications, communications related to the</p> <p>23 Chubb claim -- the Wexlers' claim, excuse me, would have been</p> <p>24 picked up by Chubb's IT searches and so a -- asking the</p> <p>25 employees whether they had e-mails would have been unnecessary?</p>
<p style="text-align: right;">Page 79</p> <p>1 "that request" I mean asking any Chubb employees whether they</p> <p>2 had text messages relating to the Wexlers' claim.</p> <p>3 A. Yeah. Thanks for the clarification. Again,</p> <p>4 whether -- whether we did or did not or should have I don't</p> <p>5 know. I would think that if there is a request specifically</p> <p>6 about IMs to -- to Chubb I would assume that we could, if we</p> <p>7 haven't, specifically look for those communications. Again, if</p> <p>8 we have them but I'm not certain that that's the case.</p> <p>9 Q. Do you know one way or the other whether the Wexlers</p> <p>10 asked for instant messages -- at least IMs or texts -- to or</p> <p>11 from Chubb's employees relating to the Wexlers' claim?</p> <p>12 A. Yeah, as I sit here right now without documents in</p> <p>13 front of me, I don't know. If you have something that -- that</p> <p>14 might help refresh my memory, that would be helpful, of course.</p> <p>15 Q. I'll come back to that only because I don't have the</p> <p>16 document request definitions in front of me so I'll come back</p> <p>17 to that. That will help.</p> <p>18 I guess the same question with regard to the --</p> <p>19 the e-mails. If the Wexlers' documentation production requests</p> <p>20 included e-mails not in the claim file relating to or from the</p> <p>21 Wexlers' claim, should Chubb ask Chubb employees involved with</p> <p>22 the Wexlers' claim whether they had such e-mails?</p> <p>23 A. Yeah, and I think that we did that through the IT</p> <p>24 folks. They would be able to capture any of those e-mails</p> <p>25 for -- for any employee and it would have been part of the</p>	<p style="text-align: right;">Page 81</p> <p>1 MR. ERRERA: Objection: asked and answered and</p> <p>2 mischaracterizes previous testimony.</p> <p>3 Go ahead.</p> <p>4 THE WITNESS: So as I understand it, they --</p> <p>5 there wasn't anything sinister done in not asking an employee</p> <p>6 about e-mails simply because they don't -- we don't need</p> <p>7 permission from the employee to search and look for their</p> <p>8 e-mails. Given the parameters you can -- the IT folks can</p> <p>9 identify those e-mails and -- and pull them out without the</p> <p>10 need to talk to every individual and gain some sort of</p> <p>11 permission.</p> <p>12 Q. (BY MR. LAMDEN) And that's -- the IT team could not</p> <p>13 do a similar search for documents, correct?</p> <p>14 A. If the document is stored on a local drive, my</p> <p>15 understanding would be that they wouldn't be able to do that.</p> <p>16 Q. Can you describe for me what search would have picked</p> <p>17 up documents relating to the Wexler claim if they were not</p> <p>18 stored on a local drive?</p> <p>19 A. Yeah. As I understand it, in the parameters that I</p> <p>20 saw it was a search for documents that would have included</p> <p>21 first and last name of the insured, claim number, policy</p> <p>22 number, address. There may have been one or two other things</p> <p>23 in the parameters, I don't -- I don't recall, but those --</p> <p>24 those items would have been located and produced.</p> <p>25 Q. Okay. So it sounds like I misunderstood earlier.</p>